
GRANY

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ATTORNEY'S CORNER

By Larry Culley

Warning to New York City retail sellers of diesel motor fuel: The New York City Department of Consumer Affairs. DCA is devoting more and more resources to inspecting diesel retail motor fuel for “flashpoint” violations. This is a situation where the diesel sold to the motorist will burn at too low a temperature than the regulations provide.

The lower the flashpoint is of the diesel cloud in the engine the sooner it will ignite, which can cause damage to the engine. The most common way the flashpoint of diesel is lowered is through contamination by gasoline. This happens most frequently either through some connection between gas and diesel tanks at your facility, or from the delivery hose on the delivery truck has gas in it left over from a prior gas delivery which used one of the hoses now dropping the diesel.

Whether or not you can eliminate the possibility of any connection or leakage from a gas tank to a diesel tank at your station it would be wise to discuss with your trucker ways to ensure that the deliveryman is accidentally contaminating your diesel tank with gas. Dealers are getting repeat summonses for this violation and the fines will mount steeply. A word to the wise should be sufficient, especially considering that this increased level of enforcement can show up in the rest of New York State since the diesel flashpoint requirements come from the N.Y.S. Agriculture and Markets Law, which have statewide sway.

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

New York City Votes to Ban Cashless Stores

NEW YORK — Don't expect to see complete frictionless checkout stores in the city anytime soon.

On Jan. 23, the New York City Council approved a measure requiring stores and restaurants to accept cash. By voting in favor of a ban against cashless stores, lawmakers said businesses that accept only credit and debit cards discriminate against consumers who lack bank accounts and credit cards, according to The Associated Press.

"This practice punishes the underbanked," City Council Speaker Corey Johnson said before the council's 43-3 vote in favor of the bill.

Under the measure, businesses that refuse cash will be fined \$1,000 for the first violation and \$1,500 for subsequent violations. The ban, which is expected to go into effect by the end of the year, also prohibits stores from charging higher prices for paying in cash.

"Whatever your reasons, consumers should have the power to choose their preferred method of payment," City Councilman Ritchie Torres (D-Bronx), who sponsored the legislation, said before the council's vote.

The legislation now heads to Mayor Bill de Blasio's desk. A spokeswoman for the mayor said that de Blasio supports the intent of the bill but that his administration will review it.

If the mayor signs the legislation into law, the city will join other major cities and some states that prohibit cashless stores, among them Philadelphia and New Jersey.

ABC News reports the bill will take effect 90 days after it is signed. There are a handful of exceptions: Stores can refuse to take denominations larger \$20 and would be exempt if there is a machine on-site that can load cash onto a prepaid card.

In 2019, Philadelphia, San Francisco and New Jersey all passed similar laws, with the common sentiment that cashless stores are unfair to residents who don't have bank accounts or those who prefer to use cash. In New York, nearly 11.2% of residents do not have a bank account. The law exempts certain sectors, like parking facilities, car rentals and airport vendors..

The New Jersey legislation was effective immediately. Philadelphia's ordinance, which exempts certain businesses like parking garages and wholesale club stores, went into effect in July.

Other "seamless" attributes in stores are also facing pushback, such as in Oregon, where the Oregon Supreme Court certified the attorney general's description of a measure to limit the number of self-checkout stations at grocery stores to two. The Mail Tribune says that supporters need 111,020 signatures to get it on the ballot in November.

7-Eleven Testing Cashierless Store Concept

7-Eleven Inc., winner of the 2019 Convenience Store News Technology Leader of the Year award, is living up to its reputation with the debut of a cashierless store at its corporate headquarters in Irving.

During the pilot, the 700-square-foot non-traditional store is available to 7-Eleven employees. The shopping experience is simple: Employees download an app, sign up, check in at the store, enter the store, shop and exit. A detailed receipt appears in the app automatically after he or she exits.

A proprietary mixture of algorithms and predictive technology enables the store system to separate individual customers and their purchases from others in the store, according to the c-store retailer.

"Ultimately, our goal is to exceed consumers' expectations for faster, easier transactions and a seamless shopping experience," said Mani Suri, 7-Eleven senior vice president and chief information officer. "Introducing new store technology to 7-Eleven employees first has proven to be a very productive way to test and learn before launching to a wider audience. They are honest and candid with their feedback, which enables us to learn and quickly make adjustments to improve the experience.

"This in-house, custom built technology by 7-Eleven engineers is designed for our current and future customers. We continue to innovate, and coupling fresh, innovative, healthy food options with a frictionless shopping experience could be a game-changer," he added.

A cashierless concept marks another innovative technological advancement from 7-Eleven. Last year, it introduced Mobile Checkout, allowing customers to skip the line and pay using their smartphone. The c-store operator also added 7NOW Pins to its mobile app. The proprietary technology allows customers to order the delivery service to public locations that may not have traditional addresses, like parks, beaches and more.

"Retail technology is evolving at a rapid pace and customer expectations are driving the evolution," said 7-Eleven President and CEO Joe DePinto. "Our team is dedicated to continuing 7-Eleven's legacy of innovation with industry-leading digital solutions. Most recently that has included our award winning 7Rewards loyalty platform, 7NOW on-demand delivery, mobile checkout, and now our new cashierless store."

7-Eleven operates, franchises and/or licenses more than 70,000 stores in 17 countries, including 11,800 in North America.

Task Force Examines Mobile Payments

Last week, members of the House Financial Services Task Force on Financial Technology held a hearing on the rapid expansion of mobile of payments and the implications on the U.S. payment system and consumers.

The hearing was entitled, "Is Cash Still King? The Rise of Mobile Payments" and it was led by the Task Force on Financial Technology Chairman Stephen Lynch (D-MA) and Ranking Member Tom Emmer (R-MN). During the hearing, members of the task force weighed the benefits of the ubiquity of mobile and electronic payments and concerns about privacy and accessibility to those payments for low-income, un-banked Americans.

Many of the Republican members of the task force highlighted the promise of innovation and technology to revolutionize how Americans pay for goods. Ranking Member Emmer emphasized the need for a flexible regulatory and legal environment where innovation and entrepreneurs can thrive.

In a statement that Chairman Lynch entered into the hearing record, NACS echoed sentiments about the promise of new technology and how it could meet the needs of businesses and consumers. NACS also cautioned members that these new technologies face an immense barrier to enter the U.S. market because of the current payments security standard-setting process, where the major credit card brands set standards impacting the entire market through a closed process.

“As this task force moves forward in considering the rise and future of mobile and electronic payment systems, NACS would recommend that it carefully study the role of Visa and MasterCard in controlling payment standard-setting. The focus of standards should be to help facilitate payment security, efficiency and innovation. That is not the system we have today, but it is a future that new technology innovators have the potential to deliver,” stated NACS.

The negative impact on innovation from the dominant card brands controlling the payment system was also noted by Aaron Klein, policy director of the Center on Regulation and Markets at the Brookings Institution. He said, “China’s system is unlikely to catch on in America precisely because it is more efficient. Because it does not take large sums of money from merchants at the register, it will not be able to compete with the growing high-end credit cards that come to line America’s wealthy with thousands of tax-free dollars in rewards. Ironically, the inefficiency in America’s payment system that has turned it into a reverse Robin Hood that contributes income inequality will block the adoption of alternative technology.”

The Committee also discussed the need for data security safeguards for mobile payments. In her opening statement, Christina Tetreault, senior policy counsel at Consumer Reports, acknowledged that as electronic payments expand, the United States needs a federal privacy law that covers all industries, particularly the financial services industry.

“The Gramm-Leach Bliley Act should not be mistaken for privacy law...Its incentives to protect consumer data from unauthorized disclosure remain inadequate. Still, banks and financial services providers seek and get broad exemption from state privacy laws by claiming that GLBA protects consumer privacy. The GLBA regime does no such thing and it is time for Congress to act,” stated Tetreault.

NACS has lobbied Congress for federal privacy legislation that ensures all businesses are responsible for their own data practices and that applies to all industry sectors, rather than shifting the requirements, including those for the telecom and banking industries, onto other sectors.

In his closing statement, Chairman Lynch stated that it’s imperative to design a system that allows for innovation to thrive while protecting consumers. He did not indicate the next steps for the task force.

Bill to Ban All Flavored Tobacco

In Albany, some state politicians are pushing hard to **ban all flavored tobacco products including menthol cigarettes**, and they're gaining momentum. We need your help to stop it.

The bill is S.6809 sponsored by Senator Hoylman (D-Manhattan) / A.8808 sponsored by Assemblywoman Bichotte (D-Brooklyn). It is being considered tomorrow (Wed 1/22) by the Assembly Health Committee, and has been referred to the Senate Health Committee.

For those of you in New York City, flavored OTP has been banned for some time under local law, but menthol cigarettes can still be sold legally. By working together, our industry convinced the City Council leadership to table a bill in 2019 that would have been menthol cigarettes. Now we need to block the state legislation.

For those of you outside the city, your retail members would stand to lose menthol cigarettes, flavored cigars, flavored smokeless tobacco, and all other flavored OTP if this bill were to pass. It would devastate sales and customer counts.

I invite you to ask your members to use NYACS' "VoterVoice" system to automatically email their Assembly and Senate members expressing their opposition to the tobacco flavor ban. It only takes 2 minutes, but it could make the difference between the bill passing or failing. Some retailers are having each of their employees send one.

REMEMBER, WE DO BETTER TOGETHER

Air Tower Bill – Please Call in Your Support

The attached memo is for a bill that generated much interest in the legislature last year. The attached memo outlines the association’s support of the bill. Please call your legislators and ask them to support the bill as well. Also attached are listings of senate and assembly members phone and email address. Assembly members by address can be found on <https://www.nyasassembly.gov/mem/search/>. Senate member addresses by address can be found at <https://www.nysenate.gov/registration/nojs/form/start/find-my-senator>. Please call if you require any assistance

A.5819 / S.4495

MEMORANDUM IN SUPPORT

ASSEMBLYMAN ABBATE -SENATOR MARTINEZ

The New York State Association of Service Stations and Repairs Shops, Inc., its affiliates and members support the subject bill, which provides the State of New York with exclusive jurisdiction over the requirement that motor fuel dealers provide an air compressor to inflate tires for customers.

Agriculture and Markets Law § 192(b)6 and General Business Law § 396-x(2) both require any dealer selling motor fuel at retail to provide a functioning air compressor to inflate tires of customers. This bill provides that the State of New York would have exclusive jurisdiction over the operation or equipment required pursuant to these sections. This bill would restrict municipalities from promulgating local laws regulating tire inflation equipment. The bill

specifically provides, however, that a municipality is not restricted from enforcing the provisions of the State laws mandating that motor fuel dealers provide tire inflation equipment.

A motor fuel dealer is required to provide an on premises, motor-driven air compressor to inflate automobile tires for customers during business hours. Air inflation machines have different specifications including power supply, types of pressure gauges built into the machines, hose length and coin and credit applications. The air machines are authorized under Article 16 of the Agriculture and Markets Law, which provides for coordination and administration of weights and measures by the Department of Agriculture and Markets (the "Department"). Motor fuel dealers should be governed by a uniform regulatory scheme with respect to air compressors. Municipalities should not be able to enact local laws which mandate different specifications or operations for tire inflation machines. For example, a municipality required that the tire inflation equipment be made available on a 24-hour basis rather than when the motor fuel retailer was open for business.

The Department should have exclusive regulatory authority over tire inflation machines, as it does with motor fuel pumps, to ensure uniformity and a level playing field across the retail motor fuel industry. This legislation makes it clear that the State preempts the regulatory field. With over 1,500 municipalities in New York, which could place different requirements on the operation or equipment, motor fuel dealers would have conflicting requirements if local laws were implemented. This bill places responsibility for tire inflation machine equipment and operation with the State of New York.

For the above reasons, the New York State Association of Service Stations and Repairs Shops, Inc., its affiliates and members strongly support this legislation and urge its enactment.

Respectfully submitted:

New York State Association of
Service Station and Repair Shops, Inc.

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REMEMBER, WE DO BETTER TOGETHER

Legislation To Monitor 2020

An Assembly bill, A4782 from 2018/19 legislative session increases penalties for inspection stations including a mandate for suspension of the inspection license. It was not co-sponsored last year in the Senate but you saw the article in the Times Union in September highlighting the bill. The memo in support references the unauthorized inspection of a limo by an inspection station as the impetus for the bill. It is however much broader in application.

The bill was generated due to a multi-death accident where twenty people were killed and the modification to the passenger size of the vehicle and a poor inspection and failure to repair the inspection failure all were causes of the accident.

The bill places much of the future blame for this type of accident on New York State inspection stations.

A 2019 law, Section 2 of this bill makes it mandatory for the DMV Commissioner to suspend a license to operate an official inspection station for any of the listed causes in the statute including failure to conduct inspections in conformance with rules and regulations or improper issuance of certificates of inspection. Under current law the Commissioner has discretion as to whether to suspend a certificate of inspection, it is not mandatory except in the case of a third or subsequent violation of rules and regulations committed within an eighteen month period. This provision was added by an article vii budget bill S. 1509B as chapter 59 of the laws of 2019. Inspection station must also send a mandatory form to the State with information on the vehicle that has been modified to increase its passenger capacity by even one person.

If read correctly, Bill 4792 from 2019 provisions require a mandatory suspension for any violation of the rules and regulations is a significant because a potentially minor violation would result in a suspension. It is also inconsistent with the provision under current law requiring suspension after a third or subsequent violation.

We expect A4792 to return in the 2020/21 legislative session. We will need to monitor this bill's activities carefully.

If you have any questions, please call the association office.

USDA Seeks Input on New Ethanol Sales Infrastructure Incentive Program

The U.S. Department of Agriculture (USDA) is seeking public input to help with the creation of the Higher Blends Infrastructure Incentive Program (HBIIIP), a new program that will expand the availability of domestic ethanol and biodiesel by incentivizing expanded sales of renewable fuels.

"Feedback from farmers, retailers and biofuels producers is critical to the success of this future program," Agriculture Secretary Perdue said in a press release. "Under the leadership of President Trump, USDA remains committed to fulfilling a key promise to American farmers to enhance the promotion of biofuels."

The agency seeks information on options for fuel ethanol and biodiesel infrastructure, innovation, products, technology and data derived from all HBIIIP processes and/or science that drive economic growth, promote health and benefit the public.

Through this RFI, the USDA seeks input from the public on: retail fueling stations, convenience stores, hypermarket fueling stations, fleet facilities and similar entities with capital investments, such as equipment providers, equipment installers, certification entities and other stakeholder/manufacturers (both upstream and down) fuel distribution centers, including terminals and depots. The USDA will also seek input from those performing innovative research and/or developing enabling platforms

and applications in manufacturing, energy production, and agriculture.

We encourage our members to answer the request for information. "I have heard there could be as much as \$300 million made available as retail grants to offer these fuels," John Eichberger, executive director for the Fuels Institute, said. "If so, it would be in members best interest to influence how this program is structured so that it actually is a benefit to retailers."

A full description of the RFI is available on page 2699 of the Jan. 16, 2020, Federal Register.

Motor Fuel Supplies

Swimming in gasoline may be a good way to describe the current supply situation, with total inventories hitting an all-time high as shown in the most recent week's data.

The build week on week was relatively small, but total U.S. gasoline storage levels have moved higher in each of the last 11 reports. And during that time, more than 40 million bbl were added to storage, leading to an all-time high of just over 260 million bbl.

Builds this time of year are relatively common. However, the recent run on supply builds took place even as refiners are cutting back on production and in some cases using some of the low-sulfur feeds from crude oil processing moving into blending for marine fuels instead of being turned into gasoline.

Demand for gasoline has been poor to start the year as EIA has consistently trailed last year in the early stages of 2020. Gasoline demand is typically soft in January to begin with, but the rolling four-week average at 8.579 million b/d is 1.4% behind last year's. An OPIS survey of over 15,000 stations around the country sees that average running more than 5% behind the same time frame last year.

GM Plans \$2.2 Billion Investment to Build Electric Trucks, SUVs

General Motors on Monday said it would spend \$2.2 billion to convert a Michigan assembly plant to produce all-electric trucks, SUVs and self-driving vehicles.

In an announcement about the plan, the automaker said its "vision of an all-electric future is coming into clearer focus and gaining momentum" with the move.

The project paves the way for the release of GM's first all-electric truck, which is scheduled to begin production in late 2021, the company said. This will be soon followed by production of the Cruise Origin, a shared, electric, self-driving vehicle unveiled by the company's Cruise division last week.

The work will be done at GM's Detroit-Hamtramck assembly plant, which currently employs about 900 people building the Cadillac CT6 and the Chevrolet Impala, the company said.

The company said that with the investment, the plant when fully operational will create more than 2,200 manufacturing jobs and be the company's first fully dedicated electric vehicle assembly plant.

GM said it will also invest an additional \$800 million in supplier tooling and other projects related to the launch of the new electric trucks.

"Through this investment, GM is taking a big step forward in making our vision of an all-electric future a reality," said company President Mark Reuss, who added GM is planning to build multiple electric truck variants at the plant in coming years.

The GM announcement is just the latest in a series of recent high-profile steps by major auto makers to increase production of electric cars and trucks.

In March 2019, Ford announced it was investing \$850 million to prepare the Flat Rock Assembly plant in southeast Michigan for EV production. The company, which plans to invest more than \$11 billion globally toward development and production of electric vehicles, in November unveiled its electric Mustang SUV and has announced plans for an electric F-150 pickup truck.

The Volkswagen Group in November said it planned to spend nearly 60 billion euros over the next five years on hybridization, electric mobility and digitalization, including the introduction of 75 all-electric models and about 60 hybrid models through 2029. VW originally had a goal of producing 1 million EVs by 2025, but in December upped that target to 1.5 million due to strong EV sales.

Meanwhile, the Boston Consulting Group reported earlier this month that global sales of electrified vehicles are growing even faster than expected. The group projects that all types of EVs will control a third of the market by 2025 and 51% by 2030, with battery-powered electric vehicles and plug-in hybrids making up about half those sales, for a quarter of the market.

Boston Consulting said a combination of government incentives, increasing emission regulation that are forcing companies to build more EVs to meet targets, falling battery prices and increased range are all contributing to the acceleration in EV sales.

Not all market watchers are so optimistic about the future uptake of EVs. In a December report, the Massachusetts Institute of Technology warned against optimistic expectations about falling battery prices. MIT's Energy Initiative predicted that EV purchase prices a decade from now will still command a \$5,000 cost premium over ICE vehicles due to the cost of manufacturing batteries.

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Stewart's Shops Acquires Polsinello Fuel Distribution Business

Larry Rulison and Eric Anderson

Stewart's Shops said Monday morning it has acquired the Polsinello Fuels gasoline and diesel distribution

business and five gas stations. Terms of the acquisition weren't revealed.

The acquisition will allow Stewart's to distribute Sunoco, Citgo and Mobil gasoline to dealers from the Capital Region to Massena, on the Canadian border.

"As we continue to grow our business, this acquisition gives us the opportunity to diversify by expanding deeper into the fuel wholesale business," said Stewart's Shops President Gary Dake.

While Stewart's already handles gasoline and diesel distribution to its own shops, this acquisition will serve other retailers whom Polsinello served.

After careful consideration Polsinello Fuels, Inc. has decided to divest from the retail gasoline business," Lou Polsinello, the company's vice president, said in a statement. "Polsinello Fuels will remain in the lubricants and motor oil distribution business.

"This transition strengthens our standing as an industry leader and enhances our continued growth strategy to distribute premium lubricants and motor oils from Gulf Oil, Shell, Pennzoil, Quaker State, Phillips 66, and Kendall brands throughout the Northeast market," he added.

A Stewart's spokeswoman would not divulge how much Stewart's paid to Polsinello, which sold its home heating and commercial fuel and heating business to Mirabito Energy Products of Binghamton in 2018. The cost of that 2018 transaction was also not revealed.

Property records show the five gas stations that Stewart's is acquiring in the deal from Polsinello, four of which are in Rensselaer County, are valued at \$4 million. The fifth store is in Colonie on Central Avenue. The stores sell gas under the Citgo, Gulf and Sunoco brands, and Stewart's has plans to renovate some of them in the future.

Lou Polsinello could not immediately be reached for comment on plans for the employees impacted by the sale of the businesses.

Needed Update of Massachusetts Right to Repair Law Headed to Ballot

The Massachusetts Right to Repair Coalition announced that it has turned in 102,000 signatures to ensure an initiative petition to enact a much-needed update to the Commonwealth's Right to Repair law reaches the 2020 ballot.

The Coalition--a group of Massachusetts independent repair shops, auto parts stores, trade associations, consumers, and drivers--said that a lack of progress on an update to the law in the Legislature led them to pursue an initiative petition so that Massachusetts car owners will continue to have access to the repair and diagnostic mechanical information produced by the vehicle they own.

By 2020, advancements in vehicle technology and increasing restrictions by automakers will result in more than 90% of new cars being equipped to transmit real-time diagnostic and repair information wirelessly to vehicle manufacturers, threatening the rights that Massachusetts car

consumers enjoy today to choose to get their cars fixed at trusted independent repair shops or do the work themselves.

"We need to update the Right to Repair law before wireless technologies remove the car owner's right to get their vehicle repaired at our local, independent shop because the automaker would rather steer them towards one of their more expensive dealers," said Alan Saks of Dorchester Tire Service. "This is a common-sense reform and we'd love to see the Legislature move forward and fix it so that we don't have to go to the ballot to protect consumers' rights to shop around for car repairs."

Massachusetts Right to Repair Coalition Director Tommy Hickey said, "Our independent shops are increasingly facing the prospect of having limited or no access to diagnostic and repair information now that automakers are restricting access through rapidly expanding wireless technologies in vehicles not covered under current law." The ballot initiative would give car owners access only to the diagnostic and repair data generated by their car, and they could opt to provide access to any dealer, repair shop, or automaker that they choose during the lifetime of their car.

The Coalition delivered its signatures to Secretary of State William Galvin's office. The initiative petition filed is entitled An Initiative Law to Enhance, Update and Protect the 2013 Motor Vehicle Right to Repair Law.

Further information may be found at massrighttorepair.org.

State diverts tire tax money. Time to abolish it?

by Jim Kenyon

Wednesday, February 12th 2014

Whether you call it a tax, a fee or a surcharge, New York State collects \$2.50 for the purchase of every tire sold in the state. It's the price you pay for the Waste Tire Management Fee which was imposed in 2003 to fund the clean up large tire dumps. But a CNY Central investigation has found that the majority of the fee now pays for salaries and state expenses that may have little to do with the disposal of used tires.

11 years ago, New York State had a huge problem with number of large tire dumps. The worst was at the Fortino property in Oswego County where more than 10 million used tires posed a toxic fire hazard and endangered health and the environment. Through the Waste Tire Management Fee, the state spent \$115 million to clean up the Fortino property and the large tire dumps so that mostly small tire dumps remain.

The tire tax was supposed to expire in 2010, but has been extended twice. According to the State Department of Environmental Conservation, the tire fee continues to raise up to \$26 million annually, but only a fraction of the money goes to the actual cleanup of tire dumps.

The DEC provided CNY Central with a rough breakdown of how the money is spent:

- \$6 million goes to the state's general fund where it can be used for any purpose

- \$14 million pays the salaries of employees in the DEC's Hazardous Waste Division
- \$6 million is for waste tire abatement projects

So once a tax, always a tax? CNY Central's Jim Kenyon asked Governor Andrew Cuomo during a recent visit to Solvay, if it was time to do away with the tire tax. Cuomo replied, "We will be reviewing that tax through this legislative session. Obviously there are differing opinions on the tax, but it's one of the taxes on the table to look at."

On January 29, State Senator John DeFrancisco who chairs the Senate Finance Committee asked DEC Commissioner Joseph Martens for an accounting of the money collected through the Waste Tire Management Fee. DeFrancisco wanted to know how many DEC positions are funded through the tax and whether the money is "really being used for waste tire cleanup or for other employees."

At the budget hearing, Martens could not immediately provide the information but replied: "The short answer is both...it is cleaning up the waste sites and it funds employees making sure those sites are cleaned up."

The day after Martens appeared before the Finance Committee, Senator DeFrancisco told Kenyon, "I get the feeling we're going to get some ammunition to try to convince the Assembly as well as the Governor to get rid of that line item and get rid of that tax."

The Senate Finance Committee provided CNY Central with the DEC's response to Senator DeFrancisco's inquiry. The Waste Tire Management Fee has been renamed the "Waste Management and Cleanup Fund. That fund pays the salaries of 141.3 DEC employees at an annual cost of \$17.4 million.

The DEC further responded that over the life of the fund, the state has spent \$115 million on waste tire abatement. Over the past two years, 12 sites have been cleaned up with contracts remaining for one large site on Long Island along with 20 smaller dumps across the state. Currently the tire tax is due to expire at the end of 2016. DeFrancisco says he would like to abolish it sooner.

All-Electric Vehicles Have Lowest Annual Fuel Costs: EIA

The estimated annual fuel costs for model year (MY) 2019 all-electric light-duty vehicles are the lowest of all of the different vehicle technologies, a report from the U.S. Energy Information Administration (EIA) said on Monday.

All-electric light-duty vehicles for MY 2019 have annual fuel costs ranging from a low of \$500/yr. to a high of \$900/yr., the lowest of five types of designated light-duty vehicles, which included plug-in hybrid electric vehicles, hybrid electric vehicles, gasoline vehicles and diesel vehicles.

The annual fuel costs for plug-in hybrid electric vehicles, which can fuel with gasoline and electricity, are the next lowest -- with an estimated range of \$600/yr. to \$1,950/yr. -- and are heavily influenced by the electric range of the vehicle, the report said.

Hybrid electric vehicles -- with a range of \$650/yr. to \$2,500/yr. -- are fueled only with gasoline, generally use their technology for maximizing fuel economy. However, because some models use their hybrid systems to boost performance rather than to increase fuel economy, not all hybrid vehicles have low fuel costs.

Gasoline vehicles have an estimated range of \$1,000/yr. to \$4,100/yr., the widest ranging of the categories. Diesel vehicles were given an estimated range of \$1,150/yr. to \$2,250/yr.

All vehicle fuel costs were rounded to the nearest \$50, and annual fuel cost estimates are based on combined city/highway fuel economy, 15,000 annual miles and the following fuel prices -- \$2.55/gal regular gasoline, \$3/gal premium gasoline, \$2.85/gal diesel and \$0.13 electricity per kilowatt hour, EIA said.

--Jordan Godwin, jgodwin@opisnet.com
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Gasoline-Powered Vehicle Sales Likely Peaked in 2016, Think Tank Says

Sales of conventional gasoline-powered vehicles in the U.S. likely peaked in 2016 at a level of \$17.3 million, according to a memo released late last week by Washington-based think-tank Third Way.

The report from Senior Resident Fellow Ellen Hughes-Cromwick said, "Sales of these vehicles likely will never be as high as they were three years ago."

According to the memo, surging sales of electric vehicles (EVs) has contributed to falling sales of conventional gas-powered vehicles. Hughes-Cromwick said that approximately 433,000 EVs have been sold since 2010 and sales have grown fourfold since 2015.

Third Way expects this number will rise in the future due to greater consumer choice, falling costs, charging convenience and growing concerns by the public over climate change.

With more offerings and expanding infrastructure, EV sales could grow at double-digit rates for an extended period during the 2020s," Hughes-Cromwick said.

Expanding sales will have to be met with greater access to charging infrastructure and policy incentives should be created to assist automakers in adapting to the technology, according to Third Way.

--Patrick Newkumet, Patrick.newkumet@ihsmarkit.com
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Single-Store Operators Continuing to Leave C-store Industry

The number of U.S. convenience stores dipped in 2019, with single-store operators accounting for most of the decline.

According to the 2020 NACS/Nielsen Convenience Industry Store Count, there are 152,720 convenience stores operating in the United States, down less than 1 percent from last year's 153,237 stores.

The count is based on stores that were open as of December 2019.

Single-store operators are driving the slight decrease as consolidation and profitability challenges take their toll. Over the past year, the number of single-store operators dropped from 95,445 in 2018 to 95,108 in 2019.

Single-store operators make up 62.1 percent of all c-stores. Smaller companies — those in the one to 10, 11-50 and 51-200 store range — are also feeling the effects of continued consolidation in the convenience store industry, NACS added.

On the other hand, operators with more than 200 c-stores continue to expand, mainly through mergers and acquisitions (M&A). Between 2015 and 2019, half of the 20 largest chains have gone through some sort of M&A activity, consolidating a major portion of stores, according to NACS 2019 State of the Industry Summit data.

Broken out by company size, the 2019 store count vs. the 2018 store count is:

- One to 10 stores: Decreased 569
- 11-50 stores: Decreased 249
- 51-200 stores: Decreased 145
- 201-500 stores: Increased 134
- 501-plus stores: Increased 312

"Historically, c-stores have been unique in the retail channel in that new companies could enter the market relatively easily and succeed with a simple business model," said Andy Jones, president and CEO of Sprint Food Stores. "That's not the case anymore. What we have been seeing during the past few years — and especially in 2019 — is that the small operators are either going out of business because the model for success has changed, or they mastered the old business model — and maybe the new one as well — to be profitable enough to be bought by a larger company."

Jones is also a NACS board member and vice chairman of the NACS Research & Technology Committee

In 2019, United Kingdom-based EG Group was a dominate M&A player, acquiring Westborough, Mass.-based Cumberland Farms and its 567 stores, as well as select sites from Certified Oil and Fastrac.

Des Moines, Iowa-based Yesway continued its buying spree, acquiring Allsup's Convenience Stores, a 304-store regional chain based in Clovis, N.M.

COMPETITIVE WATCH

Even with the decline in store count, the convenience channel is seeing less contraction than grocery and drug channels. According to NACS, grocery was down 1.6 percent and drug was down 1.7 percent. The dollar store channel grew, adding 1,565 stores in 2019.

The convenience store count represents more than one third (35 percent) of the brick-and-mortar retail universe tracked by Nielsen in the United States. Except for the dollar store channel, all other major channels had fewer units at year-end 2019.

"Accelerated change defined another deal-heavy year in convenience retail," said Jeffrey Williams, senior vice president of Retail and U.S Industry Relations at Nielsen.

"The dynamics within the industry are shifting, and bringing investor value is now a top priority for many players in the space. Since convenience has been relatively sheltered from the disruption of e-commerce, retailers in 2020 will continue to prioritize physical store growth to scale and grow the industry at large.

"That said, digital transformation and the consumer's growing desire for frictionless retail are headwinds on the horizon that should not be ignored," he added.

The number of convenience stores that sell motor fuels remained steady at 121,988 stores. Overall, convenience stores sell about 80 percent of the motor fuels purchased in the United States.

STATE RANKINGS

Among the states, Texas continues to lead in store count at 15,856 stores, or more than one in 10 stores in the country. California is second at 11,990 stores, followed by Florida (9,811), New York (8,489), Georgia (6,668), North Carolina (6,024), Ohio (5,635), Michigan (4,917), Pennsylvania (4,754) and Illinois (4,715).

During 2019, Texas gained 111 stores, California added 60 and Florida added eight, while the other states rounding out the top 10 lost stores.

The three states with the lowest store counts are Alaska (194 stores), Wyoming (352) and Delaware (344).

Buying/Recycling Lead-Acid Batteries.

- 1) It is illegal to dispose of lead-acid (vehicle) batteries in the trash.
- 2) You will be charged a \$5 "return incentive payment" if a used batter is not returned at the time of purchase. The "return incentive payment" is refundable within 30 days from the date of purchase, upon return of a used battery.
- 3) Stores selling lead-acid batteries must accept, free of charge, up to two used batteries per month from any individual and must post a sign stating they accept batteries for recycling.

Changing/Recycling your used oil.

- 1) drain oil pans, containers and filters completely
- 2) Store used oil in a clean, rigid, screw-capped plastic container
- 3) Don't mix used oil with other materials and never dump oil into the environment.
- 4) Take used oil (up to 5 gallons per day) to a service station or retail store, during normal business hours, that sells oil (they are required by law to accept it at no charge, unless their holding tanks are temporarily full) or check with your local recycling center.

Q & A on New York State \$2.50 Tire Fee

Question - what happens to the \$2.50 fee on all new tires sold in New York State and what is it used for?

Answer - Form MT-170 (it can be retrieved on-line) must be used to report quarterly sales. The number of tires sold x

\$2.25 = the amount you owe and is sent to the Department of Tax & Finance, PO Box 4100, Binghamton, NY 13902-4100. The retailer is allowed to keep \$.025 on each tire. The funds collected by the NYS Department of Tax and Finance are used to clean-up used tire sites.

New York State Department of Motor Vehicles OBD II Emission Inspection Waiver

1. Vehicles presented to an inspection station for an inspection or re-inspection for a failure of the emission portion of the inspection must be offered a possible waiver by the official emission station if the following conditions are met.
2. The Safety Inspection has passed.
3. All emission control devices have passed inspection.
4. The cost of replacement of missing emission control devices, safety items, or warranty repairs do not count toward an emission waiver cost limit.
5. Repair and adjustment have been properly made and documented and the cost of the repair is at least \$450 based on the cost of such repair. If the above conditions are met and the repair is above \$450 the inspection analyzer will allow the inspector to issue an inspection certificate for the vehicle.
6. When issuing a safety emission sticker, the inspector must check the repair waiver issues box on the reverse side of the sticker and punch the appropriate expired month.
- 7 The analyzer will print a waiver certificate form that must be filled out by the station and signed by both the customer and the certified inspector.
8. The station must attach the following documents to the waiver certificate form:
 - A. Copies of invoices and receipts for all of diagnostic and repair work performed that are used to qualify the repair was over \$450.
 - B. Copies of all vehicle and inspection receipts for the initial emission inspection failure and all supplement emission inspection failures.
 - C. These documents must be kept by the station for two years for possible review by a representative of the NYS Department of Motor Vehicles.
9. DMV reserves the right to inspect the vehicle before or after the waiver is issued to verify that proper repairs have been made and documented.
10. These must include documentation of the diagnostic procedure.

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

Selling Your Inspection License

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

Attention Inspection Stations

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

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

All Petroleum Bulk Storage Facilities

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

THIS WAS MORE THAN TWO YEARS AGO

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

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

Or call the association office

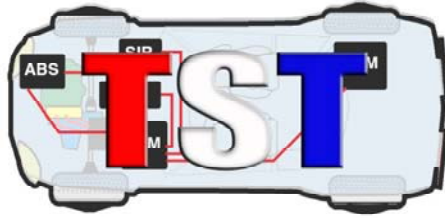
SERVICE STATIONS REPAIR SHOPS USED CAR DEALER ATTENTION

Do you have problems

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

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Featuring:

- 1. Scot Manna – MB Auto "2020 Diagnostics & Programming"***
- 2. Bobby "G" Gruszczyński Keynote Speaker "5 Digit DTCs"***
- 3. John Anello – ATOW "Getting to Know ADAS"***

Topic 1: "2020 Diagnostics & Programming"

Vehicle diagnostics in the current decade have become very complex and require the highest level of training ever seen for automotive service technicians. While the industry acknowledges this need, the task of completing such a high level of training remains a difficult road. This training need is not a sudden development, flash EEPROM programming has been around since the mid-90's yet the majority of independent shops today do not perform this task. Computer diagnostics have been around even longer and yet parts swapping and misdiagnosis remain a common complaint among shop owners and consumers. This seminar will delve into several "high-tech" diagnostic topics yet still examine some simple diagnostic mistakes. Modern computer programming examples, data bus diagnostics, and complex and basic computer system diagnostic case studies will be presented. The goal is to illustrate what it takes to correctly diagnose today's complex, computer controlled vehicles, tooling, good service information and most importantly, the knowledge and determination of a trained technician.

Scot Manna: Owner of MB Automotive Inc. in Des Plaines IL. Contract Trainer for WorldPac and Autowares. Achievements: Certificate of Achievement in Automotive Technology, Oakton Community College, ASE Automobile Master Certified with L-1 and L-2, ASE Master HD Truck Certified, Named Gates\ASE Master with L1 Technician of the Year for 2009 Competed in and was awarded the title "North American Technician of the Millennium" in 2006 and "North Central Region Technician of the Millennium" in 2001 by AC Delco, ASA\ASE Mechanical Technician of the Year in 2001. Contributing Editor for Motor Age Magazine. Scot currently owns and operates MB Automotive, a four-bay service facility in the northwest suburbs of Chicago. Scot also develops and delivers technical training classes for several training providers including the State of Illinois as well as the Automotive Service Association, WorldPac, and Auto Value\Bumper to Bumper parts distributors. Scot has also taught for several local Community colleges and has delivered presentations at training conferences throughout the country. Scot enjoys traveling with his wife of 32 years, Lore, who also provides huge assistance by keeping the books for MB Automotive. Scot's hobbies include golf, reading, and cruising the local car shows in his 2006 Corvette. Scot lives in Mount Prospect IL with his wife.

Topic 2: "5 Digit DTCs"

This seminar will familiarize you with information on current and future vehicles. System information and a high energy presentation with a detailed case study. Vehicle emissions regulations require communication of emission related data from the vehicle to external equipment for the purpose of monitoring and repair of vehicle emission systems. Since 1990, this data is required to conform to SAE J1979 and J2012 standards. These standards are developed jointly with participation from OEMs, Direct Tier and Aftermarket Suppliers, the Service Industry and Tool Manufacturers. New technologies and new data requirements have finally outpaced the ability of these current standards to grow further. Therefore these SAE groups are working together with the International Standards Organization (ISO) and Emissions Regulators to expand the standards for use over the next 30+ years. This talk will examine the major points of the update.

***Bobby "G" Gruszczynski:** Bob has a BSEE from Lawrence Technological University. For over 25 years, Bob has been involved in the design and implementation of embedded electronic powertrain control systems. Bob has a United States Patent for his work in misfire detection systems and has been involved in numerous "first in the world starts" of new vehicle powertrain applications. Bob has also been involved in the development and testing of On Board Diagnostics Systems and publications in the area of OBD Communications techniques. Bob is currently OBD Communication Expert - Retired. His former duties included investigation and analysis of OBD communication issues in the field both for I/M and Service. He is Past Chairman of the SAE E/E Diagnostics Committee and is also Past Chairman of the J1962 Vehicle Diagnostic Connector Task Force. He is co-author of the J1699-2 Test Cases for OBD-II Scan Tools and I/M Test Equipment and author of the J3138 Diagnostic Link Connector Security Recommended Practices. Bob is a past member of the SAE Executive Standards Committee.*

Topic 3: "Getting to Know ADAS"

This seminar will focus on many aspects of ADAS. We will start by understanding the infrastructures that allow these systems to work, by covering many different types of Networks such as LIN, CAN, MOST, FlexRay and even the new introduction of Automotive Ethernet. We will cover the many components used on these systems that consist of Radar, Lidar, Sonic and Camera Technology. The Covered systems will include LKAS Front Windshield Cameras, 360 Cameras, Thermal Cameras, Long Range Radar, Short Range Radar and LIDAR. There will also be 8-10 Case Studies that will cover procedures working on these systems along with a LIVE display of the ENTIRE ADAS system on stage for audience show & tell. This class will be high energy with many personal props to give you a Real World experience of how these ADAS systems work and how they are addressed after vehicle repairs or just basic routine service that may affect ADAS operations.

***John Anello:** John owns "Auto Tech On Wheels" his passion for automotive vehicles has driven him to work on cars for close to 40 years. John's business provides repair garages with on-site diagnostic support for problem vehicles in their shop without having to tow the vehicle to a dealership. In the last 24 years my business has grown to support 1200 plus repair shops, 400 body shops and 50 transmission shops. ASE Master L1*

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October 28, 2019

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Ralph Bombardiere
Executive Director

Theresa L. Egan
Executive Deputy Commissioner
NY State Department of Motor Vehicles
6 Empire Plaza
Albany, New York 12223

Dear Ex. Deputy Comm. Egan:

Enclosed is a copy of the NYVIP 2 Message No. 252 which changes the inspection regulations to require inspection stations to report altered vehicles or stretch limousines.

The director places the responsibility of reporting these vehicles to the state on the inspection station. This adds to the inspection obligations and responsibilities to the 10,000 inspection stations throughout the state.

The state has increased these responsibilities over the years without considering an inspection fee increase. The inspection fee has remained the same since 1985.

However, we protest more on the responsibility being placed on the inspectors than the non-increase of inspection fee. They are almost becoming "peace officers."

We now have to refuse inspections on vehicles with tinted windows. Many consumer motorists complain that this is not a safety feature and should not be part of the inspection, providing hardships for the inspector trying to explain the rules.

One of the biggest class of motorists that provide these hardships for inspection stations are retired and current law enforcement agents. Some believe they should be exempt. This is ridiculous since it was their lobbying efforts that lead to the governor signing this bill into law.

The inspection stations need some consideration on what to place our inspector responsibility on while reviewing the need for an inspection increase.

The reporting of the stretch limousines requires a form to be filled out and sent to the state. Many times a vehicle comes in where the capacity for passengers has been increased and the inspector at the inspection station tells the owner/operator that he/she cannot inspect the vehicle, and needs information to send to the state. Many operators of vehicles in this case will just drive away. This will not permit the inspector or station owner to receive the information for the state as required.

October 28, 2019

- 2 -

In an effort to protect our repair shops that provide vehicle inspections we would like to be able to post the attached notification. We feel that it will plainly notify anyone with a vehicle that has been altered to accommodate additional passengers above what the vehicle was built and designed for, that we will not inspect that vehicle so don't ask. Please advise me if this is acceptable.

Our main concern is some of the Department of Motor Vehicle regions and there directors are overly zealous in there enforcement of some of these regulations. These regions should be reviewed however we want to make it clear that if we cannot get the information that there is no obligation or violation against a station that sends in a partially filled out form.

Thank you for your anticipated interest in our problem and if you wish to discuss it further please contact me at 518-452-4367.

Yours truly,

Ralph Bombardiere
Executive Director

Enc.

THERESA L. EGAN
Executive Deputy Commissioner



Department of Motor Vehicles

(518) 402-4860

6 EMPIRE STATE PLAZA • ALBANY, NY 12228

November 8, 2019

NOV 18 2019

Mr. Ralph Bombardiere
Executive Director
NYS Association of Service Stations & Repair Shops, Inc.
6 Walker Way
Albany, NY 12205

Dear Mr. Bombardiere:

I am writing in response to your October 28, 2019 letter concerning the issuance of NYVIP Message 252 which instructs all inspection stations and certified inspectors to report to the Department on the presentation of an altered vehicle for inspection.

The reporting obligation is contained within Vehicle and Traffic Law Section 308-a - which became effective on October 9, 2019.

And, although aware that the allowable fee for performing an inspection is fixed, the legislature did not see fit to direct the Department to increase this fee to accommodate the new reporting requirements.

With regard to your request that inspection stations be permitted to post signage telling prospective customers that "THIS INSPECTION STATION IS NOT PERMITTED TO INSPECT A VEHICLE THAT HAS BEEN ALTERED...", that request must, respectfully, be denied.

First, the proposed sign is inaccurate, in that: a) inspection stations must inspect altered vehicles that possess the federal alterer's plate and seat fewer than 11 passengers; and b) they must inspect altered vehicles that possess the federal alterer's plate and seat 11 or more passengers when the customer presents a valid DOT Exemption letter. Secondly, the intent of the law is for inspection stations to report to the Department whenever an altered is presented. Your proposed sign would preemptively prevent that interaction thereby denying valuable information to the Department concerning the use of potentially unsafe vehicles.

Please let me know if you have any questions. Thank you for bringing your concerns to my attention.

Sincerely,

A handwritten signature in black ink, appearing to be "T. Egan", written over a horizontal line.

Theresa L. Egan
Executive Deputy Commissioner
NYS Department of Motor Vehicles

dmv.ny.gov

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ASSOCIATION OF SERVICE STATIONS AND REPAIR SHOPS**

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(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:

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About Heartland:

- NYSASSRS members get an exclusive discount on payroll processing with Heartland
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- Cloud-based, feature-rich solution
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For more information contact:

Chandler James

518-452-4367

chandler@nysassrs.com

FREE MONEY

BE A MEMBER OF OUR ASSOCIATION OR AFFILIATES

FILL OUT THIS FORM AND FAX BACK TO US

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

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

PUT THE MONEY IN YOUR POCKET

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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:		
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FAX this form back to:

518 452-1955

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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

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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:

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6 Walker Way
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WHEN:

The First Tuesday of every month at 2:00 PM
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Department of
Motor Vehicles

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Certificate Number		County			
CIRCLE ONE: OE ADD					
Note: Check or money order must be attached to enter OE or ADD					
Group(s)	1	2	3		
	A	A	A	A	
		Y	N		
<input type="checkbox"/> Address Change					
TEST RESULTS					
Group(s)	1	2	3		
	P	P	P	P	
	F	F	F	F	
	N	N	N	N	
	W	W	W	W	
	Y	N	N	Y	

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

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

♦ **REQUIRED FEES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Date _____

♦ **SEND APPLICATION AND CHECK TO:**

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

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

