



# July 2023 Bulletin

Please pass me along to other stations!

## ASSOCIATION CONTEST

### **CONGRATULATIONS TO THE JUNE 2023 CONTEST WINNER, RALPH'S MOTOR REPAIR,**

**WASHINGTONVILLE, NY.** Please read through this bulletin for your chance to win!!! Call the office with the correct answer to the trivia question and you will be entered in the monthly drawing for a chance to receive a free month's dues; a value of \$45.00.

## ATTORNEY'S CORNER

For this month's Attorney Corner, I decided that the history of gas stations might be a fun and interesting topic during the hot and steamy month of July. Beach reading? Let me know what you think.

In the beginning, the first purpose-built, drive-up gas station opened in 1913. And the people saw it was good. (With all due respect to *Genesis*).

At the time, most "filling stations" were located on the post roads which were roads designated for the transportation of postal mail. They were almost exclusively dirt or gravel roads.

The first petroleum pump was invented by Sylvanus Bowser in Fort Wayne, Indiana. It was used to fill kerosene lamps and stoves. 1898, John Tokheim conceived and developed the first gas dispenser pump and first underground storage tank.

The early USTs were usually 500 gallons and the fuel was hand pumped into a glass container on the top of the pump and the automobile tank was filled by gravity. If the motorist wanted 5 gallons, that was what was hand pumped.

If more capacity was needed, another tank with a dispenser was added to the filling station. The UST was usually right below the dispenser island where the gravity pump was. Two pumps, two tanks and so on.

Most of the stations from the 20's to the early 50's had these tanks but subsequent owners lost track of them during station modifications. Pumps were taken out, islands broken up and covered over and new tanks installed, and the new electric dispensers installed. This is how the ubiquitous "phantom tank" was born. These retailers generally owned their own dirt.

Move on again and it became awfully expensive to modernize a station. Now the oil companies arrived and decided that they would handle retail sales. They bought your property and leased it back to you and modernized the site yet again with their trade dress and equipment. PMPA was eventually passed to "protect" you as an independent businessperson. (We will do PMPA in an upcoming Attorney Corner).

Now step into the environmental era. Due Diligence is the site, Phase 1 and Phase 2. Now the "fun" part happens when there appears on the scene a modern owner and a Phase 1 and Phase 2 investigation involving Geoprobe, and soil and water samples to be analyzed.

In my career advising on the rehabilitation and remediation of a filling station into a modern gasoline station, multiple phantom tanks were found and they usually had holes that were sealed by the soil accretion and almost all still had product in them! I consulted one site on an old post road and we eventually found four 1920 vintage tanks! This remediation was a shade under one million US.

Today, there are more than 270 million vehicles traveling on the nation's 3.94 million miles of paved roadways, with approximately 38 million vehicles fueling up every day. Modern gas stations are much more than just a row of fuel pumps, and you'd be hard-pressed to find a successful gas station that doesn't offer additional services.

Your Association can help with siting, remediation and business set up at a very reduced rate because of your membership in the Association. This is a very specialized area not only for the environmental experts and contractors involved but for the legal aspects as well. You may have a family attorney who will offer to deal with the environmental issues and regulators but more often than not, unfortunately, they are clueless. Talk to the Association.

Vincent P. Nesci  
General Counsel Service Stations Dealers  
and Automotive Services of Greater NY, Inc.  
Direct; 914-645-7530

### REFERRALS

If you know of a station that needs our services and is interested in becoming a member, refer them to us and upon signing you will receive a \$50.00 Amazon gift card. If you know of someone interested, please contact our Sales Representative Bill Griese at 914-227-0144.

# July 2023 Bulletin

## **BIDEN'S NHTSA JUST KILLED YOUR RIGHT TO REPAIR YOUR OWN TRUCK**

You may have to pay dealerships to read the most basic Check Engine Light, thanks to automakers' new monopoly on your OBD data.

If your truck breaks down, you or your mechanic can plug into its onboard diagnostics system port (OBD) to see what's wrong. The people of Mass. even passed a law to protect your "Right to Repair." It specifies that manufacturers going wireless must maintain owners' access to this OBD data. Then President Biden's NHTSA seems to have caved to the automotive industry's lobbying. It's killed your right to access wireless OBD, citing hacking concerns. But is the government serious about both the Right to Repair and security? Shouldn't it require automakers to keep wired OBD ports until they can invent a safe alternative?

### **Dealerships want a monopoly on repairs.**

From cellphone manufacturers to automakers, lobbyists in many industries will tell you that your right to repair your own belongings is obsolete. Here's the truth: the companies making complex products want to force you to go back to them or buy a new one when something breaks.

In the 1910s, General Motors pioneered releasing new models every year—with incompatible parts—to improve its bottom line. By the 1920s, Ford established a network of certified technicians to repair its latest vehicles. Despite decades of automakers trying to corner a monopoly on repairs, resourceful owners and enterprising mechanics have always found a way to fix cars and trucks.

Early computer and cellphone manufacturers invented new ways to block buyers from repairing their devices. Some even built electronics designed to malfunction in a few years. Automakers adopted the same tactics as they built increasingly electronic cars and trucks. Then people fought back. By 2008, the Supreme Court and states began to codify Americans' right to "unlock" and repair their electronics and vehicles.

Massachusetts passed the most aggressive automotive Right to Repair law in 2012. This "Data Access Law" law sets the standard for cars and trucks sold nationwide. In 2020, the people of Massachusetts overwhelmingly voted to update their law for vehicles with wireless diagnostics systems. This would have gone into effect in June 2023.

President Joe Biden, who is quick to call himself a car guy, has vocally supported the Right to Repair movement in the past. But it looks like he or his administration's NHTSA caved to automotive industry pressure.

*As seen on Motorbiscuit.com*



## **NYVIP3 INSPECTION PROGRAM INSTRUCTIONS**

Many of you are now receiving your new equipment for the NYVIP3 Inspection Program and many of you might be a little confused on how to set it up and use it. If you need assistance you can visit [www.NYVIP3.com/EquipmentOverview](http://www.NYVIP3.com/EquipmentOverview) or you can also visit our website [www.ssdgny.org](http://www.ssdgny.org) for all the training videos. If you have any questions, please contact the association.

**FOR STATIONS WHO HAVE NOT ORDERED NYVIP3 EQUIPMENT:** NYVIP2 units will NO longer be serviced after December 1, 2023. DMV is no longer producing pre-printed inspection certificates. When this year's supply of certificates is depleted, NYVIP3 station print-on-demand certificates will be the only source of inspection certificates.

If you wish to continue participating in NYVIP, you must order NYVIP3 equipment as soon as possible. Please visit [www.NYVIP3.com](http://www.NYVIP3.com) to register, complete the Station Participation Agreement, and place an order to ensure compliance and to avoid interruption with the current NYVIP2 unit.

**SSDGNY is a member of TST. Because you are members of SSDGNY, you are automatically able to receive certain benefits from that organization.**

### **This means:**

- **Discount - Live Seminars**
- **Discount - Yearly Big Event & Trade Show**
- **Discount - Live Simulcast / Webcasts**
- **Discount - On-Line Videos**
- **Watch Members Only Videos**
- **Discount - Tools and Equipment**
- **Access to Members only Store**
- **Discount - Training Materials (Books)**

# July 2023 Bulletin

## FEDERAL LAWMAKERS POISED TO ADDRESS CREDIT CARD SWIPE FEES



A new bipartisan bill would give merchants choice in the networks they use to process Visa and Mastercard purchases.

WASHINGTON, D.C. — Legislators introduced a bipartisan bill in both the U.S. Senate and House of Representatives on June 7 that would provide merchants with choice in the networks they use to process many Visa and Mastercard credit card purchases.

The Credit Card Competition Act would mandate that retailers in many cases have the right to route payments through networks unaffiliated by the credit card providers, potentially lowering the fees they have to pay, reported the Wall Street Journal.

The act was introduced by Senators Richard Durbin (D-Ill.), Roger Marshall (R-Kan.), Peter Welch (D-Vt.) and J.D. Vance (R-Ohio) and House Representatives Lance Gooden (R-Texas), Zoe Lofgren (D-Calif.), Tom Tiffany (R-Wis.) and Jeff Van Drew (R-N.J.).

In summer 2022, Sen. Durbin and Sen. Marshall introduced a nearly identical bill that was referred to the Senate Banking Committee but not voted on. The increased Republican support of the new bill is reportedly the result of legislators' offices hearing from small businesses and other merchants.

In the United States, banks that issue Visa and Mastercard credit cards charge a swipe fee that averages 2.25 percent of the purchase price when the cards are processed over Visa or Mastercard's networks, a rate that is significantly higher than in other countries. American businesses pay seven times more in swipe fees than businesses in Europe and five times more than businesses in China.

"Our stores compete every day for consumers' business — as does every other business in the country. In the broken credit card market, no competition means an open invitation for these large multinational corporations to continually increase rates and to only focus on what benefits them, as opposed to the customer," said NACS President and CEO Henry Armour.

Armour noted that credit card swipe fees for the c-store industry have increased 82 percent between 2020 and 2022 to reach \$19.5 billion. "Current inflationary prices make the problem of swipe fees even worse. With all of the economic uncertainty Americans face every day, one thing is certain: Swipe fees punish American families more than anyone else. This broken system needs to be fixed now, and we applaud all of the sponsors and cosponsors of this legislation for standing up for what's right," he said.

NACS is a founding member and serves on the Executive Committee of the Merchants Payments Coalition, a coalition comprising NACS and other merchant groups representing brick-and-mortar and online retailers.

The Retail Industry Leaders Association (RILA) also expressed support for the bill.

"For far too long Visa and MasterCard, along with the largest Wall Street banks, have used interchange fees to discreetly fleece retailers, restaurants, and every business — to the tune of \$160 billion dollars last year alone," said RILA Executive Vice President, Government Affairs Austen Jensen. "The lack of competition in the credit card market means even though the cost of accepting and processing electronic payments has gone down, banks and card networks continue to raise fees unchecked, meaning higher costs for businesses and higher prices for consumers.

"The Credit Card Competition Act of 2023 ensures merchants will have more choices and can shop for service providers with more competitive prices when accepting credit card payments," Jensen continued. "Injecting competition into the payments market will benefit American consumers and businesses of all sizes."

RILA members include more than 200 retailers, product manufacturers and service suppliers, which together account for more than \$1.5 trillion in annual sales, millions of American jobs, and more than 100,000 stores, manufacturing facilities, and distribution centers domestically and abroad.

*As seen on [csnnews.com](https://www.csnnews.com)*



# July 2023 Bulletin

## INSPECTION MAY NOT PROCEED TAKAT AIR-BAG RECALL

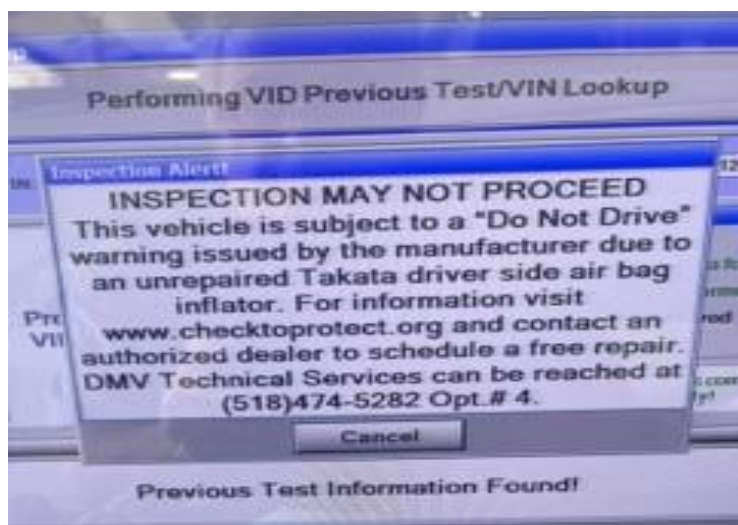
Vehicles made by 19 different automakers (34 brands) have been recalled to replace frontal airbags on the driver's side or passenger's side, or both in what NHTSA has called "the largest and most complex safety recall in U.S. history." The airbags, made by major parts supplier Takata, were installed in cars mostly from model years 2002 through 2015. Some of those airbags could deploy explosively, injuring and even killing car occupants.

A total of 67 million airbags have been recalled, and at the end of 2022, 11 million were still yet to be replaced.

At the heart of the problem is the airbag's inflator, a metal cartridge loaded with propellant wafers, which in some cases has ignited with explosive force. If the inflator housing ruptures in a crash, metal shards from the airbag can be sprayed throughout the passenger cabin—a potentially disastrous outcome from a supposedly lifesaving device.

If a customer comes into your shop for an inspection with a defective Takata airbag has not had the airbag replaced will not be able to get an inspection done. You will get an inspection alert and it will let you know that the inspection may not proceed.

Below is what will appear on the inspection machine:



Please tell your customer to go to an authorized dealer to schedule the free replacement as soon as possible.

## TRAINING

In this day and age, I am sure you are all inundated with emails on a daily basis. To make it easier for you to take advantage of a lot of the training that is offered we will be sending out a monthly list of training courses we think you may be interested in. Please see the next page which lists training programs for the month of July. If you would like to receive information on any type of training that is offered, please contact the association and we will find it for you.

## CLASSIFIEDS

**For Sale:** You can be your own boss! Est. shop that specializes in trailer repair, snowplow and salter sales, parts and repair. We also offer vehicle up-fitting. We sell and install numerous truck bodies. The shop is geared towards landscapers and contractor's needs. The service center has an excellent reputation that repairs all makes and models of box trucks, utility trailers landscape and boat trailers. Welding and fabricating repairs/parts as needed. We have the ability to make hydraulic hoses that we make on site. The showroom is fully stocked with inventory. The shop can fit 4 vehicles inside. Shop equip. includes: 2 post lifts, torches, welder, tire changer, balancer, band saw, drill press, work benches & more. There is also a private office. We are an authorized BOSS snowplow, Ramp Rack, Buyers and Woolwax dealer. Motivated to sell IMMEDIATELY due to relocating out of the area. Great opportunity to get in now during the snow season. Please call 845-590-5800 for more information.

**For Sale:** Pwrsprts Dlrshp for sale, Motorcycles, ATVS, UTVS, Snowmobiles, Generators/power washers. Parts / Service dept. 8500 sq. ft. building on 8 acres. Rent or buy. Kawasaki and Arctic Cat, Kymco, Generac generators. We are located on the Newburgh/Marlboro NY, RT 9w. High traffic road. Check our website bigboyztoysny.com Call Tony 845-781-3082 cell.

## TRIVIA QUESTION

When will NYVIP2 units NO longer be serviced? Call the office with an answer for a chance to win a free month's dues.

I hope you enjoyed reading this month's bulletin. If you have any questions, feel free to call the association. We are here to help you and your industry.

Regards,

*Carla Obalde*

Operations Manager

**Hope You Have a Safe and Happy 4<sup>th</sup> of July!**

# July 2023 Bulletin

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## JULY TRAINING PROGRAMS

### **Electric & Hybrid Vehicle Heat Pump Systems**

**Instructor: Michael Ingvarlsen**

**Cost: No-Charge**

Date: Tuesday, Jul 11, 2023

Time: 1:00pm - 2:00pm EDT

Class ID: LTT369

To register visit: <https://register.gotowebinar.com/register/2276933980871805532>

### **Electro-Hydraulic Brake Assist**

**Instructor: Marlon Kunz**

**Cost: No-Charge**

Date: Tuesday, Jul 18, 2023

Time: 1:00pm - 2:00pm EDT

Class ID: LTT381

To register visit: <https://register.gotowebinar.com/register/4553269395638595927>

### **CTI/World Pac Training**

Go to <https://ctionline.com/>

- Variable Displacement Cylinder Management  
July 6 & 7
- Diagnosing Hybrids and Inverter  
July 10, 12, 17, 19
- Effective Electrical Troubleshooting  
July 10 and 12
- Spanish: Electronica Esencial: Profando Caida de Voltaje  
July 11, 13, 18, 20

### **Elite World Wide**

**Business Management:**

**Riding the Economy: The Ultimate Guide to Stay Ahead of Inflation**

**Presenters: Joe Marconi & Darrin Barney**

Date: July 18, 2023

Time: 10 am PST | 1 pm ET

Register Here: <https://attendee.gotowebinar.com/register/5265601198590290781?source=Elite>