



# June 2022 Bulletin

Please Share Me With Other Stations!

## ASSOCIATION CONTEST

### **CONGRATULATIONS TO THE MAY 2022 CONTEST**

#### **WINNER STAR AUTO BODY OF MOUNT VERNON, 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

Aha – for the good old days when all the gasoline retailer needed to worry about was:

- Making sure that the vehicle engine was turned off during refueling.
- The vehicle was in park and/or set the emergency brake.
- Disable or turn off any auxiliary sources of ignition such as a camper or trailer heater, cooking units, or pilot lights.
- Do not smoke, light matches or lighters while refueling at the pump or when using gasoline anywhere else.
- Use only the refueling latch provided on the gasoline dispenser nozzle. Never jam the refueling latch on the nozzle open.

Gas prices across the U.S. are so high that some people are stealing fuel from service stations to fill up their own vehicles or resell it to other motorists.

Members of a criminal ring in Tampa, Florida, were arrested last month after six men stole \$60,000 worth of fuel from gas stations in the area, according to local authorities. And in Duncan, Texas, thieves have targeted the same station at least a dozen times since gas prices skyrocketed.

Similar thefts have been reported across the U.S., as Russia's ongoing war on Ukraine continues to drive up gas prices to the frustration of motorists, according to CBS News correspondent Kris Van Cleave.

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The owner of a gas station in Houston, Texas, believes he was targeted by someone in a minivan equipped with a trap door who parked the vehicle over underground storage tanks and sucked up more than \$5,000 worth of stolen gas, according to Van Cleave.

"It's extremely common. We know that this is happening," said Dallas police Sergeant Richard Santiesteban.

Some motorists are stealing gas to fill up their own tanks. Others are trucking hundreds of gallons to their homes and operating illegal gas stations, where they sell the stolen gas at a discount.

Thieves target unsuspecting vehicle owners when they are pumping gas or paying the tab in the station. Purses and other valuables, which are often visible or easily accessible from passenger side of a vehicle, are the main targets. To simplify things for the thief, the vehicle is often left unlocked. The thefts normally take place when the victim is most distracted – when he or she is pumping gas or going into the station to pay for a purchase. A suspect vehicle will drive up next to the victim's auto, quickly open the unlocked door, and grab any easily accessible items. Then they will just as quickly drive off. It happens in a matter of seconds.

Another scenario common at gas stations is the distressed stranger hoax. People tell you their down-on-their-luck stories about being stranded without gas to get home or being robbed and having no phone or money. They may ask for money or even a ride. These sad stories may be hard to resist. If you want to help, offer to pump gas directly into their car or to buy them food or a drink. Offer to call someone for them or even pay for a ride sharing service. Never let a stranger in your car. These criminals know to use someone who seems vulnerable to try to lure you in. It is hard to say no, but the risk is too high to do anything else.

Vincent P. Nesci, Esq.  
General Counsel Service Stations Dealers  
914-645-7530



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## **SSDA-AT SIGNS LETTER TO DOL REQUESTING AGENCY ABANDON OR POSTPONE OT RULEMAKING**

The Honorable Marty Walsh  
Secretary of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

### **Re: Request for Abandonment or at Least Postponement of DOL's Anticipated Overtime Regulations under the Fair Labor Standards Act**

Dear Secretary Walsh:

The Partnership to Protect Workplace Opportunity (PPWO or Partnership) and the undersigned organizations urge the Department of Labor's (DOL or Department) Wage and Hour Division to abandon or at least postpone issuance of its announced proposed rulemaking altering the overtime regulations under the Fair Labor Standards Act (FLSA). Due to significant concerns with supply chain disruptions, workforce shortages, inflationary pressures, and the shifting dynamics of the American workforce following the COVID-19 pandemic, any rule change now would be ill-advised. Importantly, DOL last updated the overtime regulations only three years ago, which strongly suggests there is no need for urgency in issuing more changes.

PPWO is a coalition of a diverse group of associations, businesses, and other stakeholders representing employers with millions of employees across the country in almost every industry. Formed in 2014, the Partnership is dedicated to advocating for the interests of its members in the regulatory debate on changes to the FLSA overtime regulations. PPWO's members believe that employees and employers alike are best served with a system that promotes maximum flexibility in structuring employee hours, career advancement opportunities for employees, and clarity for employers when classifying employees.

In the Fall 2021 Regulatory Agenda, DOL announced that it planned to issue a Notice of Proposed Rulemaking ("NPRM") on the "exemption of bona fide executive, administrative, and professional employees from the Fair Labor Standards Act's

minimum wage and overtime requirements" (also known as the "white-collar" exemptions). In anticipation of the NPRM, PPWO called on DOL "to follow past precedents and hold meetings with the regulated community to obtain input on the potential impact of any changes to the overtime exemption requirements." PPWO thanks the Department for holding listening sessions in response to the coalition's request.

As DOL has heard throughout its meetings with the employer community, the economy today cannot support changes to the white-collar exemptions under the FLSA. Industries across the country are still recovering from the impact of the COVID-19 pandemic. Some industries were hit significantly harder than others, including restaurants, the travel industry, and workout facilities. Further, current workforce shortages, supply chain disruptions, economic contraction, and inflation are pushing operational costs ever higher. Inflation is at a 40-year high, supply chains are struggling to keep up with demand, and businesses nationwide cannot hire enough workers to operate at full capacity. At the same time, we are seeing economic contraction in some sectors and face the specter of both inflation and a recession. Many businesses are not well-positioned to absorb new labor costs associated with changes to the overtime pay regulations, and such changes would only exacerbate the difficulties businesses are currently facing.

The COVID-19 pandemic also has forced the American economy and workforce to adapt to changing circumstances. One of the most significant changes was the move towards remote, hybrid, or part-time work for a significant number of workers, and many experts – as well as our employer members – understand that many of these workers will want to continue to work in these new arrangements. This "new normal" makes compliance with potential changes to the white-collar exemptions measurably more difficult. To comply with overtime regulations, employers will be obligated to monitor non-exempt employees' worktime, but that may not be compatible with these new workforce dynamics. Consequently, changes to the white-collar exemptions may leave many workers unable to enjoy the part-time or remote work they've come to appreciate.

Again, DOL should abandon or at least postpone issuance of its announced NPRM until the current economic situation stabilizes and improves to allow the American workforce, employer community, and DOL itself to more fully understand how the pandemic has shifted the paradigm of work in America.

Thank you for considering these comments.

Sincerely,

PPWO, SSDA-AT, and other Trade Associations

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## NYVIP2 MESSAGE No. 277

TO: ALL INSPECTION STATIONS

FROM: NYS DEPARTMENT OF MOTOR VEHICLES

Chapter 527 of the Laws of 2021 ("SLEEP Act") made certain amendments to Vehicle and Traffic Law regarding exhaust equipment violations and penalties. However, motor vehicle inspections were not impacted in any way.

**\*\*\*\*There have been no changes to any motor vehicle inspection procedures. \*\*\*\***

**Although this message went out to all inspection stations we called the DMV for further clarification. This is what we were told:**

*Nothing has changed when inspecting all types of vehicles.*

You were always, and still are, required to check the exhaust systems of motorcycles, medium duty vehicles and heavy duty inspections. The only change is that the new legislation has added increased penalties and fines if the inspection is not properly done in regards to the exhaust system of a motorcycle.

Below is the Motor Vehicle Rules and Regulations as it pertains to inspecting exhaust systems on motorcycles: (If you need the regs for the medium and heavy duty please refer to Motor Vehicles Rules and Regulations sections 79.23 and 79.27).

### **Commissioner's Regulations Part 79.28 (c) 1**

Check exhaust system and muffler. Reject if:

- System or elements are not securely fastened. Not equipped with an adequate exhaust system and muffler to prevent excessive noise.
- Equipped with cut-outs, bypass or any device which allows excessive noise. Equipped with a replacement exhaust system or components that are not equivalent to original.
- Diffusers or resonators or any internal muffler parts are removed.



## SUSPENSION OF CERTAIN TAXES ON MOTOR FUEL AND DIESEL MOTOR FUEL

Effective **June 1, 2022**, and continuing through **December 31, 2022**, the following taxes on motor fuel and highway diesel motor fuel are suspended:

- excise tax (Article 12-A),
- prepaid sales tax, and state sales and use taxes (Article 28), and
- the additional state sales and use tax imposed in the Metropolitan Commuter Transportation District (MCTD).

Local sales and use taxes are not suspended. The Tax Law authorizes counties and cities to elect a cents-per-gallon or percentage rate sales tax method on fuel. Several jurisdictions have elected to change their sales tax rate effective June 1, 2022. **See on the last two pages which localities have elected a cents-per-gallon rate for their local sales tax on fuels.**

Important highlights:

- Distributors and wholesalers will not be required to remit the eight cents (\$.08) per gallon excise tax or the prepaid sales taxes on motor fuel and highway diesel motor fuel and must exclude these taxes from the price on any sale of these fuels.
- Retail sellers of motor fuel and highway diesel motor fuel must exclude the excise tax and New York State/MCTD sales tax from the price of these fuels at the pump.

For more information visit:

<https://www.tax.ny.gov/bus/gas/suspension.htm>.

### 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.

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## CLASSIFIEDS

**For Sale:** West. Cty NYS Insp. Mach.& Lic. including window tint meter. asking \$20,000 obo. Auto repair shop of over 30 years closing. All equipment & tools for sale call Ed at 914-659-0453.

**For Sale:** Auto body shop business and property with house for sale in Town of Clarkstown. New XL spray booth and many new pieces of equipment to name. Serious inquiries only. Text interest to 845-548-7064 and someone will get back to you."

**For Sale:** Various ½ " & ¾" Drive Socket Sets, extensions, 1 Lincoln Grease Gun Cartridge (**BATTERY POWER**), Miscellaneous Shop Tools and Supplies, 1 Ammco Combo Brake Lathe, Rotors and Drum and all adaptors, 1 Ammco Little Giant Brake Drum Lathe, 1 MGO Pump for Drum, 1 Elect Parts Washer, Portable Engine Crane, Engine Stand, 1 Hoppy Laser Headlight Aimer, Various Jack Stands Different Tonnage, 4 Floor Jacks Various Tonnage, 1 Snap-On EVAP Smoke Machine (**BRAND NEW**), 2012 Honda Rancher ES ATV with plow & Craftsman Ride On Lawn Mower. **Contact: Tony Zeppieri at 914-494-8338 for pricing.**

**For Sale:** Three bay auto repair shop with parking lot and state inspection license. Located at 467 Central Park Avenue, Yonkers, NY 10704. Please call 914-375-6150 and ask for Siaka.

**For Sale:** Powersports Dealership 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](http://bigboyztoysny.com) Call Tony 845-781-3082 cell.

**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. 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 that 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.

## WELCOME NEW MEMBERS

United Bronx Auto Repair  
Bronx, NY

### Tech Tip



### Rubber Band DVOM Mode Reminder

When using a DVOM (Digital Volt-Ohm Meter), it's easy to leave the leads in current-reading mode which can cause real problems if you try and test voltage on the meter. The least you can do is blow the meter's fuse, the worst is short out an expensive electronic part, like a power-train control module (PCM). To give yourself a reminder that you're in Amperage/Current mode, place a rubber band over the dial. This way, when you go to use the DVOM again, the band over the dial reminds you to switch the red lead back to voltage detection mode before testing.

## TRIVIA QUESTION

In regards to inspecting exhaust systems of all vehicles, have the procedures changed since the new law went into effect? 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

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Jurisdiction	Motor/Diesel motor fuel cents-per-gallon rate	B20 biodiesel cents-per-gallon rate	Local percentage rate
Allegany County	0.14	0.11	
Broome County	0.12	0.10	
Cattaraugus County (outside the following)	0.12	0.10	
Olean (city)	0.08	0.06	1.5%
Salamanca (city)	0.08	0.06	1.5%
Chautauqua County	0.12	0.10	
Delaware County	0.08	0.06	
Dutchess County	0.08	0.06	
Erie County	0.10	0.08	
Jefferson County	0.12	0.10	
Livingston County	0.12	0.10	
Monroe County	0.08	0.06	
Nassau County	0.13	0.10	
Oneida County (outside the following)	0.14	0.11	
Rome (city)	0.10	0.08	1.5%

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Utica (city)	0.10	0.08	1.5%
Onondaga County	0.12	0.10	
Oswego County (outside city of Oswego)	0.12	0.10	
Putnam County	0.08	0.06	
Rockland County	0.08	0.06	
Saratoga County (outside the following)	0.06	0.05	
Saratoga Springs (city)	0.03	0.02	1.5%
Schenectady County	0.08	0.06	
Suffolk County	0.13	0.10	
Ulster County	0.08	0.06	
Wayne County	0.08	0.06	
Westchester County (outside the following)	0.12	0.10	
Mount Vernon (city)	0.05	0.04	2.5%
New Rochelle (city)	0.05	0.04	2.5%
White Plains (city)	0.05	0.04	2.5%
Yonkers (city)	0.05	0.04	3.0%
Yates County	0.08	0.06	