

# ON THE ROAD

JUNE 2008  
VOLUME I ISSUE 4

## NEW JERSEY GASOLINE C-STORE AUTOMOTIVE ASSOCIATION NEWSLETTER



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## Dazed and Confused

### Difficult Times for Retailers-Motorists- and Economy

You don't need this newsletter to know that the marketplace is battering you silly. The marketplace that you rely on to feed your family and pay your mortgage is the talk of the nation. You are the center of conversation around every dinner table.

Customers have questions; friends have questions; strangers have questions; and you have questions. All questions and very few answers.

Gasoline sales are down and profit margins are down. Sales in our convenience stores and service bays are down. The price is up and most people blame you.

NJGCA has been very busy trying to get the public to understand that you are squeezed as much if not more than motorists. Keep in mind that most people in our business don't fully understand the petroleum distribution maze and why prices vary from one retail location to another. Of course it is harder for the public to understand, and it is easier to simply connect you with those who are making enormous profits.

It is helpful if you are clear about some facts, and you can explain them to your customers. All of the press communication and public information that has been given out by NJGCA over the last 8 months has been consistent with the following.

Last August the price of crude oil began a rise upward that was caused by investors in the oil market. Speculators-Gamblers-began betting that worldwide oil demand would develop in to a tight market.

*continues on next page*





**NJGCA STAFF WITH FUEL MERCHANTS EXECUTIVE  
VP ERIC DEGESARO AT ENERGY INFORMATION CONFERENCE**

Crude oil inventories have remained relatively on par with previous periods and have been adequate and stable, yet the price has gone from \$60 to \$130 per barrel. Crude oil can be produced profitably at the well for about \$65 per barrel. Demand in the U.S.A. has also remained relatively stable, while demand worldwide has grown. Current crude oil sources can easily meet demand.

The price of gasoline is high only because the price of the crude oil is high.

Gasoline inventories are actually higher today when compared to the same periods in previous years and are more than adequate. Gasoline demand is down, which is why retail margins are down--you are all fighting for a smaller piece of the pie.

The demand for diesel fuel is up. In fact demand for diesel overseas has been driving the price upwards as it is profitable to ship diesel to Europe where higher prices are paid.

Although supply and demand is relatively balanced, gamblers are betting that somewhere or somehow there will be a hiccup of sorts that will cause at least a modest interruption of supplies. The hiccup could be as simple as a Katrina type storm affecting Gulf Coast refineries or something more devastating caused by political uncertainty and unrest in the Middle East. The world's energy situation is very precarious and extremely fragile.

The emergence of ethanol as an alternate fuel is influencing prices in other sectors of the economy as food supplies like corn and other grains are now in demand as a source for its manufacture. You will be hearing more about E85 which is a blend containing 85% ethanol with gasoline. NJGCA is learning more and will keep you informed.

NJGCA has been encouraging you for months to implement

cash/credit pricing. Little by little more retailers are making the move. Why? Because it is absolutely necessary. It is impossible to pay every penny you make on a gallon of gas to Visa and MasterCard.

Please contact our office and we will help you thru the transition. Some dealers are fearful of oil company retaliation. Some dealers fear the credit card companies. Regardless, you should call and we will help. The only thing we insist on is that you make the transition properly and follow the rules.

If you make the effort to properly sign your location to avoid confusing your customers, they are very likely to understand why you are now displaying two prices. Even motorists that contact us thru the NJGCA web site to vent their anger about rising gas prices have added comments indicating that they are sympathetic to the small business owners who operate gas stations.

However; there are still bad apples that give the good guys a black eye and we must all work to stop them. NJGCA has acted on many of your complaints and has reported deceptive practices to Weights and Measures and Consumer Affairs. Please call us to report violators. Thankfully NJGCA members have been conducting themselves properly. Perhaps this is because NJGCA members are properly informed, or simply because better small business owners tend to recognize the importance of belonging to an association.

Many of you may be considering new supply contracts. Please call our office before you sign a contract with any supplier. NJGCA has been trying to establish fair ground rules with a few suppliers and we want to prevent you from making a bad deal. We have stated this previously; there are some suppliers out there that need an attitude adjustment. Let us help you thru the process.

Stupid laws still emerge and keep us busy. All gasoline convenience stores should take note that recyclables legislation has been introduced and is taking aim at you. Read about it in our issues section as this will have a serious impact on your business.

Phone calls continue to come in from members with DEP inspections and MVC violations. In every instance problems could have been avoided if proper procedures were followed. Our goal is to help guide you thru the process and prevent you from getting in to trouble in the first place.

<b>REGULAR UNLEADED</b>	
<b>CASH</b>	<b>2.89 <sup>9</sup>/<sub>10</sub></b>
<b>CREDIT</b>	<b>2.95 <sup>9</sup>/<sub>10</sub></b>
ILLUSTRATION OF PROPER CASH/CREDIT STREET SIGN	





## Message From NJGCA Executive Director Sal Risalvato

Dear **NJGCA** Member,

Our livelihoods operating gasoline convenience stores and auto repair shops will be held hostage until America solves its dependence on foreign oil. The craziness and pain we are experiencing in the marketplace is a result of a rudderless energy policy put forth by our leaders. America has always been held at the mercy of other nations for worldwide production of crude oil. Recently we are being held at the mercy of worldwide consumption too, as demand in China and India has dramatically increased. Crude oil and gasoline consumption in the U.S. are relatively stable and demand has actually been reduced.

**NJGCA** members are in the energy business. More specifically we are in the liquid energy business, and we serve the transportation needs of all. Our concern is to have a reliable and sufficient supply of product in order to serve our customers.

It is likely that perhaps some **NJGCA** members will someday sell ethanol or ethanol/gasoline blends. It is also conceivable that we may dispense natural gas or hydrogen as demand for both increase. How about electricity? It is possible that we may provide quick charge stations for customers that require electric power for their vehicles.

How far off is the vision of every home and every business operating a windmill for electric power, or solar panels to provide heat and electricity?

My job is to keep you informed and on the cutting edge of all

possibilities as they move forward.

My job is also to help you thru this difficult market by encouraging you, informing you, and unfortunately defending you.

As a small business owner you are already a cut above others since you have taken initiative and risk. You will always have what it takes to deal with difficult circumstances. Your ability to evaluate and analyze the moves you must make to keep your business afloat will overcome the difficulties you are experiencing. I know it is easier said than done, but; you have worked out of difficult situations before and you will again.

The motoring public is angry and you are an easy target for their anger. I am continually writing and speaking to media folks to inform them exactly how hard you are being squeezed. Believe it or not there are many motorists that call here to give me an earful as if I control the prices at the pump. In many instances I have successfully made the caller understand that you are his friend and not to blame for these high gas prices.

I have a struggle here but it is not as difficult as what you go thru out on the front lines. You keep toughing it out and I will do whatever I can here. You deserve to get thru this and you will.

Sincerely,

Sal Risalvato  
[sal@njgca.org](mailto:sal@njgca.org)



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## MESSAGE FROM OUR PRESIDENT TIM ARATA



It is hard not to talk about the stress we encounter every day at our gas stations that is caused by the marketplace. In my last message to you I shared my concern about surviving the

high cost of gasoline inventory and the diminishing profit margins. Several months later my concerns are larger than ever, but I am determined to keep fighting.

I have been in this business long enough to know that there are ups and downs, and I have always made it through the bad times. Bad times are usually followed by good times.

I have reviewed how **NJGCA** has responded to our members over the past year. Although I am pleased with our progress, I have asked Sal and the staff to keep their foot on the gas pedal and not let up. Especially in these difficult times, it is important for **NJGCA** members to have an association looking on the horizon for potential problems, seek solutions, and keep us banded together.

Even though members have kept the phone lines busy and the office is fielding concerns from consumers, I have asked the staff to plan new programs and benefits for our members. We still must eliminate problems with DEP and Motor Vehicles, and I am anxious to have more

opportunities for **NJGCA** members to network and share experiences with each other. **NJGCA** is a lifeline for most of you and it is comforting when members share thoughts and reinforce ideas. The weekly *Road Warrior* is a big part of that lifeline. This *On The Road* newsletter is another.

It is personally satisfying when my association and my colleagues rebuke the anger that motorists have shown to us. We are struggling small business owners with families just the same as others, and we should not be blamed for the pain everyone is feeling when they fill up. I have read many of the news articles that have been written and each time I read **NJGCA** defending us and educating the public, I feel a little bit better. It makes it easier for me to educate my customers. I hope you will make the same effort to educate your customers too.

Remember, you can always contact me to discuss your ideas to make **NJGCA** a better association. I welcome your comments.

Tim Arata  
tim@njgca.org

## Small and mid-sized businesses have rights, too. It's time someone stood up for them.

The Merchant Bill of Rights was created for owners of small and mid-sized businesses like you. Its purpose: to give you the same fair costs and treatment that large merchants receive from their credit/debit payment processors.

To learn more about your rights, visit [MerchantBillOfRights.com](http://MerchantBillOfRights.com).



To partner with a payments processor that protects and preserves your rights, call Larry Godfrey, your Heartland Payment Systems representative, today at (732) 899-4215.



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## NJ STATE INSPECTION

At long last we have some details to report on the Motor Vehicle Inspection Program.

On May 6, the State of New Jersey and Parsons Commercial Technology Group signed a new, five-year Enhanced Inspection and Maintenance contract.

The new agreement will allow Parsons to continue to operate New Jersey's 31 Central Inspection Facilities (CIFs). The new contract appoints Parsons as the lone provider for emission testing equipment to the Private Inspection Facilities (PIFs).

Under the terms of the contract Parsons must meet with the PIF community to issue further details in 30 days. Parsons will begin operating the CIFs with a new fee structure 90 days after the contract signing (August 6).

The new equipment will not be available until late Spring 2009. Parsons is required to have all PIFs

functioning with the new equipment and operational under the terms of the new program no later than November 2009.

Until the new equipment becomes available, and PIFs are re-enrolled in the new program, all PIFs are responsible for maintaining their current equipment and will continue operating under the present program.

The cost of the new equipment is spelled out in the Parsons agreement. The cost to PIFs will be \$4700 and will require a monthly maintenance charge of \$70. PIFs that desire to continue inspecting older cars can do so by purchasing a gas analyzer for \$2800 with an additional monthly maintenance charge of \$105. A transaction fee of 79 cents will be paid to Parsons for every inspection performed at a PIF. All PIFs will be required to have an internet connection to transmit data.

We will inform you as more details become available.

## STING CARS...BEWARE!

In the last four months we have seen an increase in MVC undercover sting cars soliciting inspections at PIFs revealing numerous violations and resulting in a drastic increase in suspensions and fines.

NJGCA has accompanied members to MVC hearings to help defend against loss of PIF licenses and burdensome fines. No matter how hard NJGCA works to protect you, there is no substitute for not getting caught in the first place! We encourage all members to follow the proper procedures when inspecting a vehicle. Should you receive a notice of fines or suspension, contact NJGCA immediately and we will assist you thru the process.

If you are uncertain about customer credentials or possible violations on any car please call NJGCA and call MVC to ask for their assistance. Let them know of your uncertainty judging or understanding the issue. Make sure you get the persons name and ask them to make note of your call. Mark the details of the call on the repair order.

Here are some other procedures to help avoid problems

- 1) Carefully study all credentials; check the insurance card expiration date. Never accept insurance cards that are valid for more than 14 months after the effective date. Sting cars may have an expiration date 14 months and 1 day after effective date.
- 2) The customer's telephone number **MUST** be listed on any invoices including ALL copies of the VIR.
- 3) Never substitute a vehicle for another vehicle that can't pass inspection. MVC determines this act immediately and will be visiting your station within hours.

*continues on next page*



## STING CARS....BEWARE! continued...

- 4) 'Sting' cars will continue to visit your location and may return multiple times in the same week with different vehicles. PIFs can expect to have at least 2 covert vehicles per year for each inspector and/or shop license. Be prepared!
- 5) Never turn away an inspection. If you are busy at the time you are asked to perform an inspection then you MUST make an appointment for the customer.
- 6) All employees who perform inspections MUST know the proper rules. Do not allow unqualified employees to cause your license to be suspended because they failed to follow proper procedures. You will pay fines, lose business, and damage your reputation.
- 7) Mirrored tint is never permitted. Regular tint (rear windows only) is permitted.
- 8) If a vehicle is model year 2003 or newer, one thing to be aware of when performing the inspection is to first check if it is CAN equipped. CAN (Controller Area Network) is a faster computer interface that is not accessible on current New Jersey PIF machines. Hence we have to use a handheld communication device to communicate with a vehicle's onboard computer system. If a vehicle is listed on the CAN compliant list, then connect the vehicle to a handheld scanner to verify OBDII CAN results. Some members are now facing violations simply for not checking to make sure if the vehicle is or is not CAN compliant.

## ENVIRONMENTAL UPDATE

### **BEWARE OF UNLICENSED ENVIRONMENTAL TESTING CONTRACTORS**

It has come to our attention that DEP is cracking down on gasoline retailers that have had testing performed at their locations by uncertified contractors. Please be certain that the contractor AND the employees that a contractor sends to your location are certified and approved by DEP. Ask to see their credentials when they arrive. NJGCA has partnered with ATS Environmental to provide NJGCA members with free compliance screenings and discounted rates. ATS and their employees are all certified by DEP.

DEP can and will consider any tests that were performed by uncertified contractors and/or uncertified employees of contractors to be invalid. You will receive a fine as if the test was never completed, and you will be required to have the invalid tests re-done at additional expense. You can access an approved list of DEP certified contractors on the DEP web site. The NJGCA web site [www.njgca.org](http://www.njgca.org) has linked to this page. You can also read DEP's press release regarding the contractor that was cited for lacking DEP certifications

### **WASTE OIL RECYCLING**

Do you allow customers to dispose their used motor oil in your waste oil tank? When you allow customers to pour their own used oil in to your waste oil tank you will be held responsible for any spill that may occur. It is best to have your customer drop off the oil and have your employees transfer the oil into your waste oil tank. Do not allow other to carelessly create an environmental problem for you.

Do you have proper insurance coverage in the unfortunate circumstance that your waste oil hauler gets in to an accident and spills the oil that was picked up at your location? This is a serious liability and you should check with your insurance agent to make sure you are covered.

Does your waste oil hauler provide you with a certificate of insurance and are you named as an additional insured? If you need more information please call our insurance specialist to help you stay protected. The Amato Agency has been providing NJGCA members with very sound advice and will be happy to answer your questions.



## COMMUNICATIONS CORNER: ARE YOU RECEIVING OUR FAXES & EMAILS?



PICTURE COURTESY OF NJGCA MEMBER  
TONY SPECIALE

Most of you are receiving the **NJGCA** weekly email *Road Warrior*. For those of you that do not access email we also send the *Road Warrior* via fax.

Keeping our members well informed is of critical importance. **NJGCA** strives to get you timely news and information on events around the state, how it will affect your business, and what we are doing to defend small businesses.

Our efforts on your behalf are only effective if members are up-to-date on proceedings in Trenton and in the business community.

Why do we send *Road Warrior* faxes in addition to *Road Warrior* emails? We became aware that our members were NOT consistently reading their emails on a timely basis. This is very troubling, especially when the information is time sensitive.

In response, we began to send faxes to make sure members were kept in the loop on weekly events, despite their poor email reading habits. However, we do not want to bombard you with duplicate information.

If you do not read your emails weekly, we will continue to send you faxed communications and remind you to check your email.

If you consistently read your emails and would like to stop receiving weekly faxes, please email us with your complete contact information and we'll take you off our fax list.

PLEASE NOTE: If there is an urgent matter that needs your immediate attention, **NJGCA** will still send a fax, even if you have been taken off our regular-weekly email list.

## FRIVOLOUS LAW SUITS-ARE YOU A VICTIM?

Getting sued for some trivial reason? Has someone filed suit against you for a seemingly silly purpose?

In contemporary times, not a day goes by that we don't hear such stories. Rampant litigation has become an incredible burden to small business owners and the legal system. Many owners even become victims of lawsuit abuse.

For New Jersey, the facts are disheartening. A recent report by the U.S. Chamber of Commerce placed New Jersey 35th in a national survey of lawyers that judged state court systems on whether they are reasonable and balanced. A sad statistic.

In response, **NJGCA** has joined a coalition called *New Jersey Lawsuit Reform Alliance* (NJLRA) to combat this problem. In the months ahead, **NJGCA** and NJLRA will be compiling accounts of lawsuit abuses throughout New Jersey.

If you've been affected by a frivolous lawsuit, we want to hear from you!!

Frivolous lawsuits harm industry, hurt honest business owners, and degrade the business climate here in New Jersey. We will take these examples and share it with Trenton lawmakers and elected officials in an attempt to get meaningful reform passed in the Garden State. Check out the link to NJLRA on our web site [www.njgca.org](http://www.njgca.org)



# ISSUE UPDATES

## SMART CONTAINER RECYCLING AT C-STORES

New Jersey legislators recently introduced A-121, the “Smart Container Act”, legislation that will add another burden to the Convenience Store industry. The bill seeks to add a 10¢ deposit on all plastic and glass bottles and aluminum cans less than 24 ounces and a 20¢ deposit on containers over 24 ounces up to 3 liters. All containers would be collected by retailers that sell beverages.

C-stores will now become recycling centers for these materials, and will have to add the deposit fees as an

additional charge for their goods. C-stores will also have to account for recyclables revenue to the state and provide the refunds for the bottles and cans returned by their customers.

This legislation will surely create a sanitation problem as these materials will need to be handled and stored by convenience stores. **NJGCA** is strongly opposing this legislation and will seek to stop it from passing.

## BELOW COST SELLING

**NJGCA** stopped the press to add this recently introduced piece of legislation sponsored by Assemblyman Burzichelli. According to the limited information we currently have on this bill, it will change the way the law is written to **allow below cost selling**.

Presently laws are on the books that prohibit below cost selling. In the past courts have ruled that portions of the law are vague and unenforceable. However, it is not vague to consider selling below the cost listed on an invoice.

Legislators that feel pressured by constituents calls

for lower priced gasoline seem to feel that allowing the multi location and big box gasoline retailers to sell below the cost on the invoice will drive prices down thru competition. They are right. This legislation will drive profit margins even lower than they are now and will drive many small businesses under.

This legislation is so new that it does not yet have a bill number. **NJGCA** is going to need every one of you to contact your legislator and let them know exactly how harmful this will be to your business. We will update you as we learn more.

## ZONE PRICING—A213

**NJGCA** needs members who are facing zone pricing or below cost selling issues to call our offices immediately. We are tracking information to make the case that legislators will need in order to support us. Zone pricing legislation will help you if you are buying product based on Dealer Tank Wagon (DTW). Some major oil companies unfairly target their dealers and charge greatly varied DTW to same brand competitors within close proximity.

We need you to provide us with pricing information from all of your competitors. Without your assistance we can

not gather this information. Call us if you have one or more competitors of the same brand that are buying from the same supplier at a lower price.

Assemblyman Bramnick is committed to seeing this legislation passed, but he needs our help, and you are the only ones that can provide the real world market factors that will persuade legislators. Please help us help you pass this legislation this year.

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## THE GAS TAX



NJGCA EXECUTIVE DIRECTOR SAL RISALVATO AND NJGCA MEMBER BILL LA FORET SPEAK WITH CONGRESSMAN SCOTT GARRETT.

We will watch the actions of Assemblyman Wisniewski and fight to block an increase in the NJ Gas Tax. If this does appear to become a greater threat we will contact you to take action by calling your representatives in the legislature.

We believe that New Jersey can greatly benefit from a federal tax holiday as it will encourage tourists to enter our state this summer, use our parks and the shore, and most of all stop at our local retail stations to fill up and patronize our convenience stores and access our repair shops. Contact your Congressman and Senators Menendez and Lautenberg and tell them that retailers and motorists need a break and to pass a gas tax holiday.

Over the past month New Jerseyans have heard from state and federal officials about what to do with the gas tax. On the New Jersey side of things, Assemblyman John Wisniewski proposed tax increases up to 18 cents per gallon to be phased in over 3 years. Senator John McCain has proposed that the federal government offer a tax holiday throughout the summer months to provide folks with some small relief from the pain at the pump.

NJGCA is opposed to any increases in the Gas Tax. An 18 cent increase means a truck load of inventory will cost an additional \$1500. Any increase in the NJ Gas Tax will eliminate the competitive advantage we have over New York and Pennsylvania whose motorists fill up in New Jersey whenever possible. Higher NJ taxes will cause NJ motorists to fill up in neighboring states further eroding our volume.



CONGRESSMAN SCOTT GARRETT EXPLAINS HIS GAS TAX RELIEF PROPOSAL AT PRESS CONFERENCE HOSTED BY NJGCA MEMBER BILL LA FORET



## 24 HOUR PRICE CHANGE-HOLDING WHOLESALERS TO THE SAME STANDARDS A-750

NJGCA has been working with Assemblyman Vincent Prieto to pass legislation that will hold wholesalers to the same 24-hour price change rules that retailers already face. While retailers cannot change their prices more than once in any given 24-hour period, wholesalers are still allowed to increase the price constantly throughout the day. NJGCA does not believe in any price caps or

24-hour rules, but legislators have made it clear that we will not be able to overturn the current law so our only option is to level the playing field with wholesalers. It is neither fair for the motorist community or our members for wholesalers to not play by the same rules as retail locations. We will keep you posted on the movement of this bill through the Assembly and Senate.

## H.R. 5546 CREDIT CARD FAIR FEE ACT

Over the last several months, everyone has been focused on the huge profits reported by major oil companies, while ignoring the credit card companies who are laughing all the way to the bank. On every \$3 gallon of gasoline Visa and MasterCard are making 6- 9 cents.

At issue is the non-negotiable nature of dealing with credit card fees. There has been a 117% percent increase of interchange fees since 2001. H.R. 5546 allows merchants

to negotiate with banks for the terms, conditions, and rates for credit card fees. This bill is designed to use market forces to allow businesses to negotiate the better rates, with judges available to mediate disputes.

While we are awaiting this legislation's passage, we urge you to please use cash/credit pricing to help alleviate your costs.

## HOT FUELS A-2216

Legislation introduced by Assemblywoman Bonnie Watson-Coleman to mandate the use of temperature adjusted pumps is currently stalled in committee. If passed, this legislation will require gasoline and diesel locations to invest thousands of dollars to upgrade equipment. It does not appear that there will be any

movement on this bill in this session, so we are hopeful that this will give us more time to complete our studies on the issue. However, with skyrocketing prices, consumer demands for this legislation can be re-invigorated. We will keep you posted on any findings from our research as well as any movement in the legislature.



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## PAID FAMILY LEAVE



EXECUTIVE DIRECTOR SAL RISALVATO OPPOSING  
PAID FAMILY LEAVE ASSEMBLY LABOR COMMITTEE.

After countless hours spent trying to defeat this blow to small businesses, the legislature has passed and Governor

Corzine has signed the Paid Family Leave Act. This bill affords your employees six weeks of paid leave to care for a family member or newborn/adopted child. **NJGCA** was the loudest voice asking law makers to exempt any business with less than 50 employees.

The law takes effect in July 2009. **NJGCA** will keep you informed to make sure that you comply with the parameters of the law and avoid lawsuits from employees. We still urge you to negotiate terms for leave with your employees and prove to our legislators that small businesses deal better with these situations without legislative mandates.

Thanks to all of you that responded to our *Wildfire Alerts* and contacted your legislators and the Governor. Also note that the unions are asking Congress to consider Paid Family Leave that could expand the 6 weeks afforded by NJ law to 12 weeks under Federal law. We will keep you posted as this develops.

## RIGHT TO REPAIR A-803/S-1334

Movement is beginning in this legislative session to pass A-803/S-1334, the Motor Vehicle Owners' Right to Repair Act. **NJGCA** is part of a coalition that has been visiting legislators and persuading them how vitally important this legislation is to our businesses and our customers.

Other organizations in the coalition include AASP/NJ and MEA. Recently a demonstration was done for leadership in the Assembly that clearly displayed the dead ends shop owners run in to when trying to acquire technical information needed to repair customer's cars. Dave Scaler of MEA, perhaps the most knowledgeable person in the country, showed Assembly leaders how serious the problem is becoming.

Attempts have been made by car manufacturers to stall this legislation. Recently manufacturers have scheduled a series of training seminars open to all independent shops purportedly to show them how to navigate the NASTF system to gain needed information. Similar seminars in other states were of no use and were simply used as a stall tactic. If the information were available there would be no need for NASTF or training seminars.

Legislators in both the Assembly and the Senate are signing on and we do expect movement on this legislation soon.

As always, your help is needed. Please contact us every time you are denied codes or PIN numbers that are required to make repairs to your customer's cars. Let's

stop sending our customers back to the dealer. We need that business for ourselves.

On the federal level, sponsorship of the bill is increasing and more pressure is needed from around the country to urge the committee's chairman, Congressman John Dingell (D-MI) to pass this bill out of committee.

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## CLOSE THE ENRON AND FOREIGN MARKETS LOOPHOLE

**NJGCA** strongly supports attempts by Congress to refocus their energy on energy. Speculation in energy markets (specifically oil) are driving up the price of crude oil and destroying our economy.

Our initiative would end the dark markets created by Enron and Foreign Markets loopholes which allow energy traders to disregard the laws of the market and denies the Federal Trade Commission and Congress

the same type of oversight allowed in other markets. Traders are no longer using the market principles of supply and demand to set the price, but are allowed to use fear, paranoia, and greed to force the price of oil higher and higher. Investors are literally gambling prices higher. It is imperative that **NJGCA** members contact New Jersey's Congressmen and tell them that now is the right time to close the Enron and Foreign Market Loophole.

## HORROR HIGHLIGHT - DON'T LET THIS HAPPEN TO YOU

A customer had an initial inspection performed at a CIF and failed the inspection for emissions. The customer brought their vehicle to a PIF (SHOP A) for repair and re-inspection. SHOP A was licensed as a PIF only and not licensed as an ERF. SHOP A performed the repair anyway.

The customer received an invoice for \$700 and was told the vehicle still could not pass inspection; it would require further repairs. The customer returned another day to have the recommended repairs made. Another invoice for \$400 was presented to the customer. The customer was told that the vehicle would now pass inspection.

However; since SHOP A was not licensed as an ERF they were not permitted to re-inspect the vehicle. Rather than explain the situation, they lied to the customer stating that they were out of stickers. SHOP A asked the customer to return another day, drop off and leave the car for the sticker.

The customer became suspicious and notified MVC. MVC decided to investigate and accompanied the customer when he returned to drop the car off for the sticker. MVC then followed SHOP A when they drove the vehicle without the owner's permission to another PIF (SHOP B).

SHOP B is an **NJGCA** member and is licensed as both a PIF and an ERF.

The ERT at SHOP B performed the re-inspection and fraudulently wrote an invoice describing the repairs which was to be submitted later to MVC when they performed their monthly audit. SHOP B installed the inspection sticker and the vehicle was driven back to SHOP A. This

was all done while being watched by MVC investigators.

The proposed penalty was a **12.5** year suspension of SHOP B's PIF/ERF license and a **\$5000** fine. The employee also received a **12.5** year suspension of his ERT license and also was fined **\$2000**.

Although **NJGCA** was able to negotiate and reduce the proposed suspensions and fines, the lesson here should be that fraud will be treated very seriously by MVC. **NJGCA** is always requesting MVC to consider leniency for our members that make honest yet careless mistakes. This is made more difficult because an intentional act of fraud hinders our pleas for honest members.

Since SHOP A is not an **NJGCA** member we did not represent them and we are not privy to any penalties that they received.

There is confusion and disagreement among MVC officials as to the ability for SHOP B to perform any re-inspection at all because SHOP A is not a licensed ERF. Our question is this; what would result if the customer had returned to a CIF with his receipts from SHOP A that was not a licensed ERF and the vehicle indeed passed emissions?

IF a CIF would have issued the sticker then we at **NJGCA** believe; had SHOP B written an honest invoice acknowledging that the repairs were performed by SHOP A and that the repairs were only being certified by SHOP B, rather than pretending that they themselves (SHOP B) actually performed the repairs, then they (SHOP B) would not have been subject to any penalties.

**DON'T LET THIS HORROR HAPPEN TO YOU!**



## REGULATORY FLEXIBILITY EXPANSION A-832

Since government seems determined to regulate small businesses unfairly and without regard to the ability to comply with their regulation, NJGCA has been actively pushing for an expansion of the Regulatory Flexibility Act. This legislation will force regulatory agencies to consider any negative impact on small business in NJ and will include a mechanism known as Judicial Review to be used to challenge burdensome regulations. This legislation will also clearly define what is considered a small business.

NJGCA has testified at hearings in the Assembly and the Senate. Reg Flex was voted out of committee and passed in the Assembly. The bill also passed the Senate Economic Growth Committee and now waits a vote in the full Senate. We are hopeful it will be passed soon and we will contact you if your phone calls and emails will be needed to Senators or Governor Corzine.

## RETIRING? SELLING? WANT TO STAY BUSY?

NJGCA is looking for people with experience to join our team of Territory Managers who work in the field visiting NJGCA members.

Several territories are available. NJGCA has always tried to employ previous members whenever possible. Even if you are not available now, let us know if you are interested and we will keep you in mind for the future.

Contact Phil Apruzzi [phil@njgca.org](mailto:phil@njgca.org)

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# DELIVERY TRUCKS STILL A PROBLEM

Members are continuously getting slapped by DEP for a number of violations, some of which can easily be prevented. It is up to you to inspect spill buckets before and after every delivery. Drivers that do not hook to vapor recovery or use proper spill prevention should be reported to your supplier, **NJGCA**, and DEP. You can be held responsible for their sloppy procedures if there is a spill. Should there be a spill by a driver it must be reported immediately.

Keep a camera handy and send photos to **NJGCA** so that we can notify other members – and the authorities.

Our friends at Ewing Oil have sent us a check list that they ask their dealers to use in order to prevent DEP violations.

- 1) Inspect all spill buckets each day and remove any debris/trash.
- 2) If a spill bucket is cracked or damaged so that any product spilled will not be contained in it, do not allow a delivery for that product to be made until that spill bucket has been repaired or replaced.
- 3) Pump out any water/product with the hand pump into a screw-top pail and dry spill bucket with a water/product absorbent pad.
- 4) Place all of the contaminated material in the 55 gallon drum and dispose of the contaminated material properly.
- 5) Notify **NJGCA** whenever any petroleum product is discovered in the spill bucket during the daily inspection

**NOTE:** If there is **NO** water **OR** debris mixed in the product contained in the spill bucket, then pump it into the tank.

## **Materials to keep handy:**

1-10 gpm hand pump similar to Beckson Thirsty-Mate #118PF

1-3 gallon screw-top pail similar to Lab Safety Supply #22600

1-2” vent for a 55 gallon drum lid similar to Lab Safety Supply #4711

1 plastic funnel similar to United States Plastic Corporation #3304

1-55 gallon top opening unlined steel drum in good condition with a bolt-on lid that has an opening capable of accepting a 2” vent: Available from an environmental clean-up contractor

**NOTE:** An environmental clean-up company may supply the drum free in return for the annual contract to dispose of the contaminated water & absorbent pads

50 water/product absorbent pads similar to Lab Safety Supply #147391



SLOPPY DELIVERIES MUST BE PREVENTED



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