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ON THE ROAD

THE OFFICIAL COMMUNICATION OF THE NEW JERSEY GASOLINE C-STORE AUTOMOTIVE ASSOCIATION
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... the times, they are a-changin'

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Message From Executive Director Sal Risalvato

The Quintessential Small Business of America

quin•tes•sen•tial adj

1. of the pure and essential essence of something: 2. representing the most perfect or typical example of a quality or class: 3. of or relating to

the most perfect embodiment of something.

This is how I begin all testimony before every committee in the NJ Legislature. I remind the legislators who are deliberating over an issue that when I present testimony on the issue before them, I represent “the Quintessential Small Business of America”. And it is true.

What are the Main Street businesses that America has grown to rely upon? How has any one small business shaped our towns and so much of our habits and culture? Yes, there are many industries and businesses that have been part of the entrepreneurial foundation of America, and none should be dismissed as being less important. But, for years, the Gasoline Service Station, and now the Convenience Store, have truly been Quintessential Main Street USA.

At a time when pioneers struck out across the landscape and ventured into the vastness of this continent, the need (demand) and the availability (supply) of goods and other commodities created a central location where commerce of all types was conducted. The General Store became an essential part of every new frontier. Enterprise and competition sometimes created more than one store in a given locality. Soon, every town in America came to rely upon the merchants who sold everything from groceries to hardware to farm supplies. Yes, they even picked up and dropped off their mail there, too.

When the automobile replaced the horse as the modern means of transportation, the General Store became the “Filling Station”, dispensing gasoline. Thus, we had the first version of today’s modern Convenience Store. It made sense then that enterprising proprietors married the refueling and service of cars in one location, too. This, of course, became what we all know as the “Gasoline Service Station”.

Eventually, the General Store split into various segments, and made way for today’s supermarkets. Hardware stores became essential, as did the bakery and the delicatessen. Gas stations and auto repair shops were on every corner. Even the post office wanted their own identity and autonomous location.

Then, all of the segments of the original General Store grew in their own rite as an additional “quintessential” small business. Each has seen a transformation, with larger enterprises sprouting in every community and big box retailers replacing the local small business merchant. Home Depot has made it difficult for the corner hardware store to prosper. Dunkin Donuts and Starbucks have replaced the local bakery and coffee shop, while Costco and Walmart have devastated small retailers of every kind including consumer goods and even the gasoline and auto and tire service industry.

Throughout transformation of the commerce landscape, some small businesses have survived and even prospered. The gasoline service station, the auto repair shop, and the convenience store are all examples of small businesses that have flown in the face of adversity and difficulty, and continue to overcome competition from their much bigger competitors.

Some of you old timers like me will remember the general store where locals went for their morning chat with neighbors while enjoying their daily cup of coffee. These folks were also motorists who filled their cars’ gas tanks and picked up supplies and even other perishables, including lunch. That doesn’t seem much different from today’s C-Store. We may not be trading raccoon furs while we are there filling up, but we are buying coffee and sandwiches.

The landscape continues to evolve and some may say we are going backwards in time. Today, there are over 150,000 C-Stores that populate our roads and Main Streets. That is ONE-THIRD of ALL retail establishments in the country, including large department stores, supermarkets, pharmacies, appliance and electronic retailers, and stores of all kinds.

Here is another statistic that seems as if we are going backwards in time; over 80% of all C-Stores sell gasoline and customers prefer to patronize these locations simply as a matter of convenience. Have you ever wondered why we call them Convenience Stores? In today’s busy world, society has actually returned to the old model of commerce. Not as a matter of necessity like we did 100 years ago, but as a matter of convenience, and in some cases, economics and efficiency.

I recognized this change when I first arrived at NJGCA. It was clear to many that the gasoline service station, with a few gas pumps and a few service bays, was morphing into a gasoline convenience store. There was as much profit and demand for selling coffee as there was for fixing a customer’s brakes. Others have had enough of the gasoline business and remain only in the repair business.

Collectively, all of you have carved out your market and your customers. Those of you who prosper more than others have found a way to attract customers and their loyalty. Government rules, regulations, and taxes have all been roadblocks for you to settle into a niche that is unique to you. As entrepreneurs, you still fight forward, always with enthusiasm and optimism. You know what it is like to sign both sides of a paycheck.

I applaud each of you because it takes a better entrepreneur to thrive in today’s world. If you are reading this, that means that you are a member of NJGCA. It is clear that those who are members of NJGCA, or of any professional trade association, are usually a cut above the others. It is a good barometer for insurance companies. Insurance companies know that small businesses that keep themselves on the cutting edge of industry happenings, and value being kept informed of public policy issues affecting their business, are usually less of a risk to insure, which is why they are willing to offer lower premiums to participating members.

Keep doing what you are doing. Keep plugging away. Approach your business with a positive attitude and make adjustments when necessary. Thank you for maintaining your NJGCA membership, and keep being the best.

The entrepreneurial spirit lives on, with the sort of spunky, in-your-face attitude required to remain relevant, desired, and quintessential.



US Department of Labor Question & Answer



Member questions are submitted to Debbie Hill who is the NJGCA Director of Member Services, and then forwarded to John Warner of the USDOL. John's answers are published below:

Member Question: *I had an employee sue me with the labor board in Trenton. Evidently, there was no screening process, because after I hired an attorney and the case went to court, the employee had no evidence that he was entitled to the \$17,000 he was suing for. My business won the case, and no money was paid to the disgruntled employee. However, if the State Labor Department had a screening process, it is possible that the case would never had gone as far as it did, and I would not have had to hire an attorney, etc.*

I believe the Federal Department of Labor has a screening process, do you know if the State Labor Department has a screening process?

Warner: While we do screen complaints that we receive, the reality is that workers have a "right to private action" under Section 16(b) of the FLSA (there are actually law firms that specialize in class action 16(b) suits). Thus, a worker could file a suit without any input from Wage Hour – without DOL knowing anything about it. Unfortunately, if that happens, a station operator might have to incur the costs of getting an attorney to defend against such a suit.

I'm not sure how the state laws work in this regard but it sounds like their laws are similar -- an employee can bring an action even when the State declines to do an investigation.

Below I have included some of the language used in the letter that we send people when we are not taking their complaint:

"The fact that we will take no further action on your behalf does not affect your private right under the Act to bring an independent suit to recover any back wages due. Congress, recognizing that all complaints may not be resolved or developed for litigation by the Department, has included provisions in FLSA section 16(b) that give individuals the right to file lawsuits on their own behalf if they believe their rights have been violated. An employee may file a lawsuit in federal or state court against the employer for back wages and an equal amount as liquidated damages plus attorney's fees and court costs. The Department of Labor does not encourage or discourage such suits. The decision is entirely up to you. However, keep in mind that recovery of back wages under this law is subject to a statute of limitations."

Additional Comments from John Warner:

Get Ready: USDOL Sends Final White Collar Exemption Rule to OMB – Could be Published in 30 to 60 Days (JD Supra)

(3/17/2016 3:00 PM, David Kim & Salvador Simao)

On Tuesday, March 15th, the US Department of Labor (DOL) sent to the White House's Office of Management and Budget (OMB) its Final Rule revising the White Collar Exemption Regulations, which will likely expand overtime eligibility for millions of workers. Typically, the OMB review takes anywhere from 30 to 60 days. Therefore, the Final Rule could be published at any time in the next couple of months. This timetable is consistent with recent comments made by DOL Solicitor of Labor M. Patricia Smith. As discussed in our February 22, 2016 alert, Solicitor Smith stated that the Final Rule could be published in or before July and would become effective at least 60 days after publication. Based upon the DOL's submission of the Final Rule to the OMB this week, it is clear that the Final Rule will be published prior to July, and likely within the next couple of months.

The specific provisions of the Final Rule will only be revealed once it clears OMB review and is published in the Federal Register. However, based upon the provisions contained within the Proposed Rule published last June, employers should anticipate an increase in the salary basis thresholds for exemption, modification of the duties tests, and a mechanism for the potential annual updating of the salary basis thresholds. In light of the potentially significant impact of the Rule on most companies, employers should begin taking steps now to ensure they will be in compliance with the Final Rule when it takes effect.

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Please RSVP with an email to jacy@njgca.org or call 732-256-9646. We look forward to seeing you!



Ray Bruppacher of Bergenfield Exxon wins of a case of synthetic motor oil from Sponsor Hough Petroleum & Lubricants



Randy Mayo, of Randy's Auto in Waldwick, wins the \$50 American Express gift card in our raffle!

Beware of Customer-Supplied Parts

By Francis J. Brennan III, Brennan Law Firm

Recently, an NJGCA member brought a problem to our attention that needed a legal opinion. NJGCA has several law firms available for consultation and that we will refer our members to seek counsel. Firms are chosen based on area of expertise. In the question posed below, NJGCA asked attorney Frank Brennan from the Brennan Law Firm in Cranbury for answers. Question and answers are below:

Member question: How do I protect myself if a customer asks me to install parts they purchased elsewhere? Can I simply have the customer agree in writing that there is no warranty for the part?

Facts: In this case, a customer purchased a part and brought it to the repair shop to install. To protect itself, the repair shop did not offer its normal 90-day warranty on parts and labor. In fact, the auto repair shop's invoice stated that since the customer supplied the part and the auto repair shop did not know where the part came from, there was no warranty on the customer supplied part and, if the part was faulty, then labor would not be covered by the warranty. The customer agreed and this was confirmed in writing. A problem arose with the vehicle from the installed customer supplied part and the customer demanded that the auto repair shop replace the part at his cost including parts and labor.

Discussion: In this case, the shop owner tried to protect himself, but did he do enough? Under New Jersey law, a waiver of warranties must be based upon full knowledge, must be in writing, and must be clear and conspicuous. It may not be sufficient for the auto repair shop to simply include a statement in the repair bill.

If you choose to install a customer supplied part, there are several issues that might arise and should be clearly addressed in writing:

- (1) whether the customer correctly diagnosed the problem with the vehicle;
- (2) whether the customer supplied part is needed to properly repair the vehicle;
- (3) the quality of the customer supplied part;
- (4) whether the mechanic should know that the customer supplied part is not correct or defective;
- (5) whether the customer supplied part is the correct model for that particular vehicle; and
- (6) what additional parts and labor may be necessary to install the customer supplied part.

This all gets complex quickly!!

Brennan: The simple answer is **do not install customer supplied parts**. **However, if you feel compelled to install customer supplied parts, then you should require that the customer sign a clear disclosure and liability waiver.**

This can be a separate document or a separate section of the Terms and Conditions on your Work Order/Proposal with a separate signature block for the customer. The waiver must be clear, conspicuous, and in writing, so that it does not get overlooked by the customer. **The waiver must fully and clearly disclose the following:** *that the auto repair shop has not diagnosed the problem, has not determined what part(s) might be needed to fix the problem, has not determined the quality of the customer supplied part, whether that part is proper and correct, or what other parts may be needed to fix the problem.*

Then, the following must be addressed in the waiver:

- (1) release the auto repair shop from any and all liability whatsoever related to the failure of the customer supplied part, its installation, and any alterations made to fit the part on the vehicle;
- (2) warn that additional charges may be necessary to ensure the customer supplied part is proper for the vehicle, to fit or finish the problem or adjustment to the vehicle, and for necessary parts that were not included with the customer supplied part;
- (3) clearly explain what happens when the customer supplied part is defective; and
- (4) waive all other express or implied warranties including all implied warranties of fitness for a particular purpose and warranties of merchantability (i.e.: the customer must pay new charges for a new part and all labor to remove the customer supplied part and install the new part and/or do any other work needed to fix the problem).



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Association Master Trust

NJGCA member companies are eligible for comprehensive self-funded health and dental benefits through Association Master Trust. The Association Master Trust covers approximately 10,000 participants from thirteen trade and member association benefit trusts.

Qualifying NJGCA member firms can now enjoy all of the benefits of network services and modern claims administration. By being a member of AMT you're part of a large group, and have access the same great health benefits plans the big guys do!



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Association Master Trust & OMNIA

By Harvey Mishkin, COO, Association Master Trust

The Latin word OMNIA means all • altogether • completely • entirely • fully • perfectly • plenty • quite • thoroughly... It seems to me that is what Horizon may have had in mind when structuring the new Horizon OMNIA Health Plans.

At AMT, we believe that OMNIA plans have the potential to help redefine how healthcare is delivered in our state. OMNIA Health Plans are a new line of products designed by Horizon to support their efforts to improve the quality of care members receive, enhance their overall patient experience and hopefully lower the total costs of care.

With the OMNIA Health Plans, members have access to all the doctors, hospitals and other health care professionals in the Horizon Managed Care Network. The new OMNIA Health Plans place network providers into one of two tiers – OMNIA Tier 1 or Tier 2. OMNIA Health Plan members maximize their benefits and lower their out-of-pocket costs by using the network providers designated as OMNIA Tier 1. Members are still free to see doctors and hospitals in Tier 2, but they will not have the same cost-saving opportunities that they would have if they had chosen a Tier 1 provider.

Some of the highlights of the OMNIA Health Plans include:

- No requirement to select a Primary Care Physician;
- No referrals to see participating specialists;
- Lower cost than comparable plans;
- Lower copayments and deductibles, when using OMNIA Tier 1 providers.

OMNIA Health Plans do not include out-of-network benefits except for true emergencies.

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Inspections on Air Compressor Vessels

By Debbie Hill

Recently, an NJGCA member was visited by an inspector from the State of New Jersey Department of Labor, Bureau of Boiler and Pressure Vessel Compliance, out of the Trenton Office. The member was advised that his Air Compressor must be inspected by either a State Inspector from the Bureau of Boiler and Pressure Vessel Compliance, or by his insurance company.

Our member was given thirty (30) days to comply with the registration and inspection of his pressure vessel (air compressor). His insurance agent was unaware of these regulations, and called the insurance company for clarification. The insurance company advised that **it is not the compressor which must be inspected, but rather the air tanks with which the compressor is associated.** In NJ, pressure vessels are required to undergo inspections, and air tanks are considered to be pressure vessels. This has been in effect since 2008. If you have a stand-alone air tank or a tank with a compressor mounted on it, NJ regulations require it to be registered and inspected.

I spoke with Rick Hendrickson, an inspector at the Bureau of Boiler and Pressure Vessel Compliance. He explained the following: the bureau inspects air compressor receivers (the vessel), not the compressor itself. What is included in a normal inspection of the vessel? The inspector will check to make sure the vessel is properly bolted to the floor; since the compressor creates vibration, they check to make sure vibration absorption material has been used between the vessel and the floor. Additionally, is the vessel drained regularly? The process of compressing air generates moisture inside the tank. Tanks may look good from the outside, but often they rot from the inside out.

The bureau will check to ensure that proper maintenance is being performed by draining the water that is built up inside the tank. If it takes too long for the water to drain out, they know that the vessel is not being properly maintained. This is a concern because too much water buildup will cause accelerated deterioration to the tank from the inside.

Inspections also check the pressure relief device, guard overdrive belts, electrical wiring, and the piping to the compressor. The piping must be metal. No PVC piping materials can be used on air compressors. Any PVC piping will result in an automatic failure and your vessel will be **red tagged**. A **red tag** means the vessel can't be used and must be remediated immediately. Other items that will automatically **red tag** your vessel are frozen handles, expansion of tank when the compressor is turned on, and any cracks in the vessel. A vessel with a crack must be repaired by a certified welding shop that has an R-Stamp, certifying that the company is certified by the State of New Jersey to perform welding repairs on pressure vessels.

Some violations allow 90 days for repair, permitting you to continue using the vessel. This would be the case if the vessel is not properly bolted to the floor, there are

not proper safeguards covering the belts, or if there is water in the tank. Then, you can call to be re-inspected after you have made the necessary repairs.

Based on the condition of your vessel, the inspector will make a determination if your vessel needs a U-T (ultrasonic testing) which will indicate if there is excessive deterioration inside the tank. This test can cost up to \$1,000, so it is a good idea to drain the tank regularly to avoid any suspicion of accelerated deterioration.

Once your vessel has been inspected, the State of New Jersey will send you the registration and an invoice to cover the \$20.00 inspection fee. This applies if your vessel was inspected by the Bureau of Boiler and Pressure Vessel Compliance. The State will automatically contact you for the next inspection, normally in three years. However, if your vessel is nearing the end of its life expectancy, the bureau may determine that your vessel requires an inspection every six months or annually.

To determine if your vessel is properly registered, you can call the NJ Bureau of Boiler and Pressure Vessel Compliance at: 609-292-2345. However, you can also check your vessel's identification number. The number will include: NJ, 6 digits, year of last inspection, and the letter U. Ex: NJ123456(16)U -- this vessel was last inspected in 2016 and should be in compliance until 2019. If your vessel says (13), you are probably due for an inspection soon! You can reach Rick Hendrickson at the New Jersey Bureau of Boiler and Pressure Vessel Compliance at 908-420-5602 or reseau.hendrickson@dol.state.nj.us

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Good News for Honest Motor Oil Installers and Their Customers

By Thomas F. Glenn

The State of New Jersey, along with 23 others, has relatively new regulations in place concerning motor oils that all fast lubes, repair garages, new car dealers, and others that change motor oil for a fee (installers) should be aware of. Not only is it the law, it's also good business practice.

In short, the regulations require installers to include certain information on customer's transaction receipts about the motor oil used to service their vehicle. This information includes the motor oil brand, SAE viscosity grade, API Service Category, and a warning if the motor oil only meets an obsolete API Service Category. Further, for motor oils that only meet a vehicle or engine manufacturer standard, the receipts must identify that the motor oil is only intended for use where specifically recommended by the vehicle or engine manufacturer. In addition, installers are required to label any motor oil containers, receptacles, dispensers, and storage tanks with the same information.

The specifics of the requirements are detailed in the National Institute of Standards and Technology (NIST) Handbook 130 in section B. Uniform Regulation for the Method of Sale of Commodities 2.33 - Oil.

But moving past the details of the regulations (which all installers are encouraged to read), it is important to consider its intent. The intent is to help assure that customers know what motor oil is being used to service their vehicles, that the correct motor oil is used, and protect them from potentially engine damaging, obsolete motor oils.

For most, it should come as no surprise to hear that not all installers are the same. Sure they all change oil, but the oil they change, how its changed, the filters used, customer service, and operational practices and procedures can be quite different. Specific to motor oils, it should also come as no surprise that customers may not be getting what they believe they paid for when they go for a motor oil change. Although in most cases they are, in others the motor oil may not be the right type and grade required for use in their car, it might not be the brand the customer thought they were getting, or it could be off-spec or obsolete motor oil.

The significance of these issues struck home last year when News12 NJ's Kane in Your Corner (KIYC) aired the Emmy award winning segment "The Oil Changers." Kane In Your Corner went undercover to seven car repair shops and quick lubes in New Jersey

and found that six of the seven supplied motor oils that did not meet the SAE 5W-30 viscosity grade required for their car. **Moreover, two supplied motor oil that was far off grade and had such low levels of antiwear additives that they would be unsuitable for most cars currently on the road.** (*see editor's note 1)

Although a sample size of seven installers is too small to be statistically representative of the installer population, there is industry data that says, when combined, close to 20% of the bulk motor oils installed by fast lubes, repair garages, new car dealers, and others that change motor oil for a fee have issues. With that in mind, the regulations are clearly in the best interest of customers.

At the same time, while it may be burdensome to initiate, these regulations also benefit installers. In particular, it helps protect installers from litigious customers alleging that their engine was damaged, or their warranty voided because the wrong motor oil was used. An installer would have a tough road to hoe if a customer presents a judge with the installer's receipt showing no information about the brand, API Service Category, and SAE viscosity grade of motor oil used for the oil change. You can be sure the road would get even rockier if the installer cannot produce an invoice, bill of lading, shipping paper, or any other documentation showing the brand, SAE viscosity grade, and API Service Category of the motor oil they purchased from their supplier. But this too is where the regulations help installers.

In addition to requiring installers to provide their customers with receipts showing the brand, API Service Category, SAE viscosity grade, and cautionary statements if the product is obsolete, the regulations require lubricant suppliers to provide the same to installers when they sell them bulk motor oil. This is beneficial to installers in several ways. The first is that it establishes a more robust and defensible paper trail from the motor oil supplier to the installer's customer. This not only helps to protect installers from litigious customers, it also provides important documentation should the installer have a dispute with its motor oil supplier about the brand and/or quality of motor oil they received. And finally, it helps installers sort out reputable from questionable suppliers. **Alarms should go off if a supplier does not, or is unwilling to, provide the required information.** *(see editor's note 2)

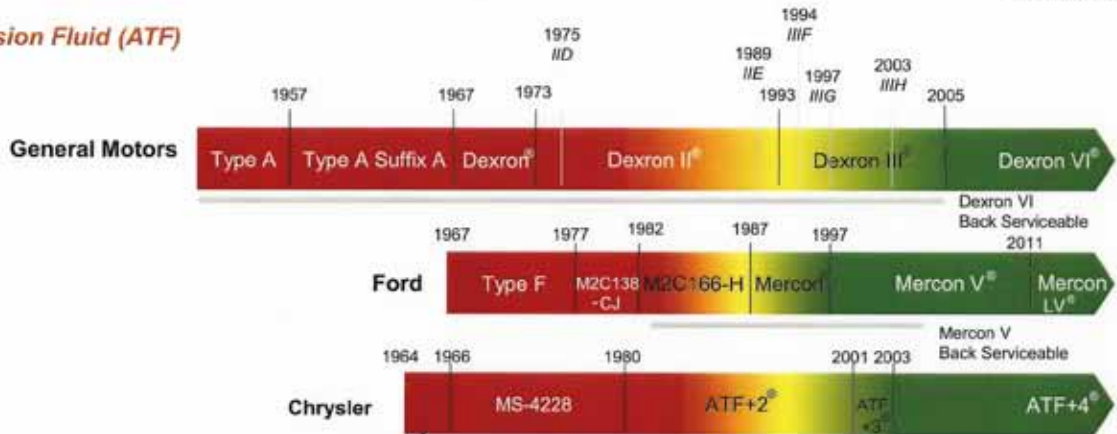
But aside from helping to protect installers from negative actions, and customers from getting the wrong motor oil, there is another big positive to installers borne from these regulations. These regulations establish rules to help level the playing field. This is good news for the many honest installers in the business that have to compete with those that are not.

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Note: Always refer to your vehicle owner's manual for proper engine oils and transmission fluids.

About the Author:

Tom Glenn is the President of the Petroleum Quality Institute of America (PQIA)

PQIA's mission is to serve the consumer of lubricants by testing and reporting on the quality and integrity of lubricants in the marketplace. It is expected that this improved visibility of quality will lead to wider conformance by lubricant manufacturers to specification and performance claims.

Mr. Glenn was a featured speaker at the recently held NJGCA Auto Repair Shop Summit.

The NJ Department of Consumer Affairs and NJGCA have become increasingly concerned with the quality of motor oil that is being both sold on member's shelves, and installed in customer's cars. NJGCA will be playing a greater role to educate members about the critical need to sell and install the proper quality and grade of motor oil.

Editor's Notes:

1. News 12 NJ's *Kane in Your Corner* undercover program found 6 out of 7 auto repair shops installed extremely poor quality motor oil in customers' cars. The one shop found to be using quality product was an NJGCA member!! One of the shops installing poor quality motor oil was also an NJGCA member, who had actually removed the bad inventory before *Kane in Your Corner* returned with the laboratory results. This shop owner had already replaced his oil inventory after receiving an NJGCA Wildfire Alert warning members that bad motor oil was unknowingly being sold in many shops. NJGCA warnings helped save this member's reputation.

2. Members have reported back to NJGCA that their bulk oil suppliers have refused to list the required details and specifications on the bulk purchase invoice. Members are encouraged to end relationships and stop purchasing with suppliers that do not issue proper invoices.



Legislative Roundup

Important Issues Affecting Your Business

\$15 MINIMUM WAGE

The movement among labor unions and progressive activists to increase the minimum wage to \$15 an hour has come to New Jersey and it has come in force. The leaders of both the State Senate and the General Assembly have announced that they support increasing the minimum wage to \$15 an hour; it is just a question of when for them. There is disagreement, however, on how to get there between Senate President Sweeney, Speaker Prieto, and even the activist groups pushing the effort.

The original plan from Speaker Prieto was an immediate increase in the minimum wage to \$15 an hour. Sen. Sweeney's plan was to immediately raise it to \$10.10 an hour, and then gradually increase it until it hit \$15 an hour by 2021. After negotiations, they claimed that they had compromised on a new proposal. Acknowledging that there was no way Governor Christie was going to approve such a measure, they announced their plan would be to move towards a constitutional amendment, which if approved by voters in November 2017 would increase the minimum wage to \$9 an hour and then increase it one dollar per year until it hits \$15 in 2024. After that it would continue to increase based on inflation. After this announcement, activists and union officials complained, demanding an immediate increase to \$15.

For now, the best way to help our efforts is to give us some real-world examples of the impact such an increase would have on small businesses, and the pain that would trickle down to your consumers. Let us know information like how much you would have to raise prices and how much your payroll would increase. Email the information to Eric@njgca.org.

MANDATORY PAID SICK LEAVE

In the first three months of the 217th Legislative session, The bill to mandate every employer provide every employee paid sick leave (both if the employee is sick or if a family member is sick) was twice scheduled for a vote by the state Senate, and twice so far it has been pulled from consideration. This is a good sign as it means there continues to be enough skepticism about this proposal to prevent it from passing even some of the simpler hurdles. As with the minimum wage proposal, there continues to be disagreements between the Senate and Assembly leaders over how the bill should be structured. In the interim, the city of Plainfield became the 12th in the state to mandate paid sick leave for all businesses.

In response to the assault on businesses coming from Trenton, a new nonprofit group has been formed called OpportunityNJ. NJGCA has joined the coalition, which will raise money to educate the public about why these proposals are so crushing for small businesses and ultimately for consumers.

CONSUMER REPAIR RIGHTS INFORMATION

NJGCA is proud to be supporting a new bill introduced at the start of this session that will benefit every independent auto repairer. As you should know, the Magnusson-Moss Warranty Act, enacted in 1975, is the federal law that protects your ability to fix a motor vehicle with aftermarket parts without voiding the vehicle's manufacturer warranty. Without that law, your business would have been crippled long ago as motorists with vehicles under warranty would exclusively go to dealerships for everything. Unfortunately, there are too many consumers who are not aware of their rights under this law. A-2612, from Assemblymen Reed Gusciora (D-Mercer) and Paul Moriarty (D-Gloucester) (the sponsors of Right to Repair), will require that all new car dealers will have to give a written statement to their customers informing them that it is illegal for the manufacturer to void the warranty on their new car because they had an aftermarket part installed, or because they had a repair completed outside the dealership. A similar law was recently passed in Connecticut.

TOBACCO ISSUES

After having been vetoed by Gov. Christie in January, anti-tobacco advocates are again pushing their bill to ban 19 and 20 year olds from purchasing tobacco products and vaping devices. It has so far passed three of the four committees it needs to, after which it must be voted on by both houses of the Legislature. We are hopeful that if it makes it to his desk the Governor will again veto it.

A new bill, A-1815, passed the Assembly Health Committee in March to dramatically increase the taxes on non-cigarette tobacco products. It significantly, not to mention artificially, complicates the current tax law. Each individual cigar with a wholesale pre-tax price of more than \$2.00 will be taxed \$2.70 per cigar. A cigarillo, which is defined as any cigar with a wholesale pre-tax price of less than \$2.00 will be taxed 54¢ each. Tiny cigars, which look like cigarettes and weigh about the same, would be taxed at the same rate as cigarettes, 13.5¢ each (\$2.70 for a package of twenty). The tax on moist snuff would go from 75¢ per ounce to \$2.25 per ounce. A "single-dose smokeless tobacco product" (such as Camel Snus) would be taxed 13.5¢ per dose in the container. A typical tin contains 15 pouches, so \$2.025 per tin. Pipe tobacco and smoking tobacco would be taxed \$4.15 per ounce. Any tobacco products not mentioned (except cigarettes) would be taxed at a rate of 68%, up from the current 30%. Additionally, every retailer of these products will also have to get a license to continue to sell them, with a fee of \$50 per year.

One of the most damaging aspects of this bill is that it also includes a "floor tax". This means that if it were to become law, you would have to tally up all the tobacco products already in your inventory and then write a check to the

government for all the new taxes owed. This can quickly add up to thousands and tens of thousands of dollars, all at once, all on the hope that you will get the money back if customers continue to buy these products at this increased tax rate. Special thanks to NJGCA members Ed Kashouty and Roger Verma, who testified against this bill alongside Sal. It has a long path to go before it could become law but we are monitoring it closely, the State is always looking for more tax revenue.

CREDIT CARD FEES

For the last several months NJGCA has been working to build a coalition of business and consumer groups to support our bipartisan bill to inject competition into credit card interchange fees, and ultimately force them down. We have seen over the past ten years the effect that competition has had on lowering the fees paid to the processors, but the interchange fees paid to the networks and the banks have only gone up. Visa and MasterCard present every business with a “take it or leave it” proposal when it comes to their cards and their fees, knowing that in this modern age not accepting their cards would be tantamount to not accepting cash. We are expecting this bill will begin moving later this spring and that the networks will bring out the big guns to try and protect their bottom line. If it becomes law, this bill will save every retailer in the state thousands of dollars a year in credit card costs.

ESTATE TAX REPEAL

The Senate Budget and Appropriations Committee passed a bill to completely eliminate New Jersey’s burdensome estate tax, often called the death tax. NJ is one of only 2 states in the nation with 2 different death taxes, the estate tax and the inheritance tax (in addition to the federal estate tax). A majority of states have no death taxes whatsoever. The New Jersey estate tax hits small businesses hard because the exemption is only \$675,000 (the federal exemption is \$5.4 million). In a state where commercial land is as valuable as it is, just about every business owner is sitting on an estate that would be hit with this huge tax, and their descendents may have to take out loans just to avoid selling the business to pay the tax on it.

GAS TAX

There has been little development in the ongoing saga of whether or not to raise the gas tax and by how much. Something must be done by June 30th or else the state’s Transportation Trust Fund (TTF) will run out of money and not be authorized to borrow more. Governor Christie seems to have indicated that he is uninterested in leading on the issue of funding for the TTF, telling the Legislature it should act first and send him a proposal. He has said in the past that he may be open to increasing the tax if other taxes are lowered or eliminated. The elimination of the estate tax has been frequently floated as a potential compromise.

INSPECTION UPDATE

All bids from the contractors hoping to operate the new inspection program have been submitted and are under review by MVC and the Treasurer’s Office. It is not known how long they will take in making a decision, although the clock is quickly ticking. Once a bidder has been selected, changes will begin rolling out very quickly, so pay close

attention. All current PIFs should have received a memo from MVC detailing some of the changes that are being rolled out in advance of the new contract being awarded. Effective May 1st, tailpipe emissions inspections will end and gas vehicles MY 1995 or older and diesel vehicles MY 1996 or older will no longer be subjected to emissions inspection.

BEYOND OUR BORDERS

As we’ve experienced, sometimes bad ideas that crop up in other parts of the country have a tendency to leak into New Jersey. Hempstead, Long Island has discussed an ordinance to mandate that every service station in town offer the public free compressed air, 24/7. There is a real expense to providing compressed air, from the cost of the equipment, to the electricity to run it, to the maintenance and hose replacement. Our allies in New York have committed to fighting this unfunded mandate.

In Philadelphia the new mayor, Jim Kenney, has proposed a 3¢ per ounce tax on sugary soda that he claims will raise \$400 million in taxes. That equates to 76¢ for a can of soda, \$2 for a 2 liter, and \$4 for a 12-pack. In the United Kingdom, they are planning to go farther and tax drinks based on the amount of sugar they contain. Taxes on unhealthy foods were being pushed aggressively a few years ago but the effort had mostly died out. Now it looks like they may be making a comeback.

POLITICAL UPDATE

It appears that for the first time in a long time New Jersey’s presidential primary election on June 6th will matter. On the Republican side, it looks like a mathematical certainty that no candidate will have a majority of delegates before the final day of primaries, which includes New Jersey and California. Whoever gets the most votes will win all of New Jersey’s delegates. It also seems increasingly likely that the Democratic primary will continue as Sen. Sanders continues to win primaries, even if he remains consistently behind Secretary Clinton.

We can also expect to see a huge amount of advertising this year focused on the various ballot initiatives that have been approved. One will dedicate all revenue collected from the gas taxes to the TTF. Another will mandate that the State make its full pension contribution every quarter. This will effectively make public sector unions a special protected class who will have to be paid for before every other state priority. Because the State doesn’t have the money to make the full contributions, it is likely that passage of this amendment will mean significantly higher taxes afterward. Perhaps the biggest issue is over casinos. Voters will be asked to approve a change that would allow 2 casinos to be constructed in North Jersey, likely in the Meadowlands and Jersey City. Advocates say that they will draw in gamblers who have otherwise been travelling to casinos in Pennsylvania and other surrounding states, providing new tax revenue without having to raise taxes. Opponents say too much of the gambling revenue will be taken from Atlantic City, causing further deterioration in South Jersey. Casinos in neighboring states are expected to spend tens of millions of dollars trying to convince voters to vote against the plan.



NJGCA has seen many legislative successes over the past few years. We'd like to take some time to tell you a little bit about the men and women who have been instrumental in helping your small business prosper.



Senator Jen Beck

Senator Jen Beck, a Republican, has been representing Monmouth County in the state Senate since 2008. She has been victorious in several competitive elections over the years. During her time in office she has made constituent service a priority, and can be contacted easily on Twitter ([@jenbecknj](#)).

Sen. Beck has proven to be a leader on many of the toughest issues facing this state. She was one of the prime sponsors of the landmark legislation in 2011 to reform public workers' pensions and benefits, standing up for the taxpayers of this state and helping accomplish something once thought impossible.

While most opponents of an increased gas tax have hurt their case significantly by NOT offering a feasible funding alternative, Sen. Beck has led the way, with a proposal last year to fund the Transportation Trust Fund (TTF) at the current level by dedicating state revenue growth coming from the improving economy to the TTF, as well as increased fines on motor vehicle violations, and cutting the costs of road construction and repair. Most notably of course is that this plan would not require any increase in the gas tax.

Even more recently, she has been a vocal advocate of small businesses from her position on the extremely influential Senate Budget & Appropriations Committee. She spoke out in defense of the bill to repeal the New Jersey estate tax when it came under attack from public sector unions concerned that if the State took less revenue from small businesses it would mean less revenue for them. She also spoke extensively against the misguided bill to mandate all businesses provide all employees with paid sick leave.

NJGCA again thanks Senator Beck for all her support for the small business owners of this state. We look forward to continuing to work with him for a long time to come.



UST Registrations, Reminder!

To avoid any compliance penalties, please double check your Underground Storage Tank Registrations to make sure they are current. The NJDEP only sends a renewal notice with UST registration forms the first time that a renewal invoice is sent. If you fail to renew, NJDEP will send a reminder invoice without the UST registration form. If you make payment without the UST registration form, your UST registration will not be processed. If you need the UST Registration form – simply call NJGCA ask for Debbie 732-256-9646 or email debbie@njgca.org

UST registrations just renewed or renewing soon:

Burlington/Mercer Counties: UST registrations just renewed: March 31, 2016

Camden/Ocean Counties: UST registrations are due to renew: June 30, 2016

Atlantic/Cape May/Cumberland/Salem: UST registrations are due to renew: September 30, 2016



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FINISH

NJGCA Auto Repair and Tire Shop Summit!

On February 10, 2016, NJGCA hosted the First Annual Auto Repair and Tire Shop Summit at the Crowne Plaza Monroe, in Monroe, NJ. This Summit gathered repair shops from across the State, businesses dedicated to supporting the repair industry, and representatives from State regulatory offices.

Attendees of the Summit received informative presentations on payroll, recordkeeping and safety compliance from the US Department of Labor and OSHA. The keynote speaker for the event was Ray Martinez, Chief of the Motor Vehicle Commission, who discussed the “Next Generation” Emissions Inspection Program. The program also included updates on the legislative issues that affect the repair industry, such as paid sick leave, Right to Repair, and mandatory tire registration. Tom Glenn, president of the Petroleum Quality Institute of America (PQIA) discussed motor oil quality issues and the widespread efforts to get poor quality and obsolete motor oils off the shelves.

This Summit would not have been possible without the support of our generous sponsors:

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Please refer to the following pages for more information about what each of these companies does and how they can support your business.

Snapshots of the Summit!

Thank you to all who participated and made this event a success!



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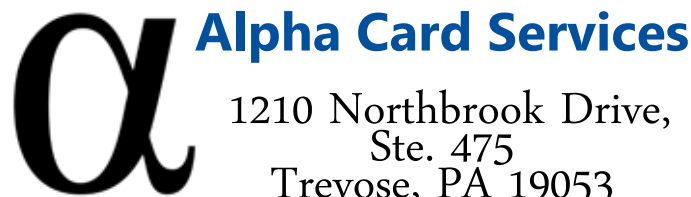
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Rebecca Folen, Relationship Manager
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For over 30 years, Automotive Training Institute has been helping thousands of automotive repair shop owners increase their profits, reduce stress, and grow their businesses into the companies of their dreams.

ATI is the industry leader in automotive business coaching providing expert management and consulting services through one-day owners events and an all inclusive 30 month Re-Engineering Program.

We have witnessed a lot of shops around the US where the owners are working harder yet making less money. Managed properly, the repair business can give you a life, not take it away.

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Most employers are very aware of the ever-increasing cost of providing health benefits to employees. The NJGCA Benefits Trust in partnership with Association Master Trust (AMT) can help you manage these costs.

AMT offers **self-funded** health and dental benefits plans that combine employer members from 15 New Jersey trade associations producing significant cost savings for members. It's not surprising to see double digit health insurance increases of 15-25% (or more) in the conventional small group health insurance market. AMT's average increase over the past four years has been approximately 9%; and because of AMT's **not-for-profit** structure, **over \$9 million in member contributions has been returned to plan participants in the 2011-2014 plan years.**

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NJGCA has been working hard to bring you and your business value through our Member Benefit Partners (MBPs). Hopefully, you are already taking advantage of many money-saving plans offered by our Member Benefit Partners. We are excited about the brochure, and the great opportunities that you will have to save money with these partners!

Here is a list of our current MBPs:

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AFFINITY FEDERAL CREDIT UNION - Financing, Mortgages
ALFA-TRONICS - Pump & Tank Monitoring Services, Dispenser Security Specialists
ALPHA CARD - Payroll and ATM Services
AMATO INSURANCE AGENCY - Business, Garage Liability, Home and Auto Insurance
ARCHER & GREINER - Legal Services
ASSOCIATION MASTER TRUST (AMT) - Health Coverage
ATS ENVIRONMENTAL SERVICES - Tank & Vapor Testing, NJDEP Compliance
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