ON-THE ROAD

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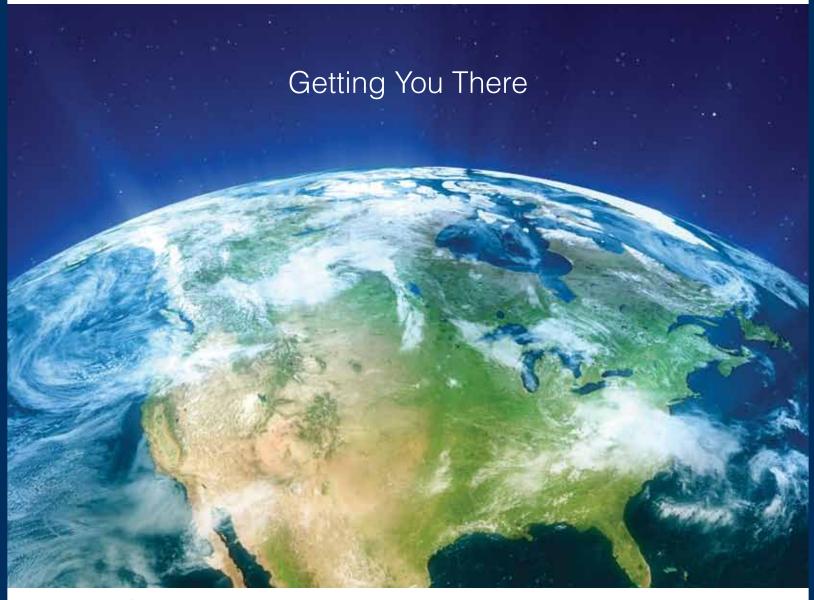
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More details on PAGE 12



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Message From Executive Director Sal Risalvato

2015...Good or Bad?

Traditionally, each year the January edition of <u>On The Road</u> reviews the past year's events in

our industry and takes a quick peek forward into the coming year. While contemplating my message for this issue, I found myself wavering between the good and the bad. Of course, the good is easy to recap, but some of the things that appear "good" may not have played all the way to the end yet, and can still turn bad.

For now, I will focus on the good and hope it all stays good. I have several key issues in mind, and all have been topics of much discussion in NJGCA communications over the past few years.

Last year at this time, the frenzy here at NJGCA Headquarters was the quiet effort in Trenton to add sales tax to gasoline. I remember so much energy being expended to block this attempt, while some legislators and even Governor Christie denied that the effort even existed. A major distraction for us that didn't end until June, I still fear that it can be resurrected if we don't remain vigilant and guard against it. I'm comfortable, however, that all 120 legislators and the Governor are aware that a sales tax on gasoline is bad public policy and harmful to you. This is helpful since I do believe that at some point in the next few months Trenton will increase the gas tax. Although no one wants an increase in the gas tax, it is far better for you than a sales tax.

Perhaps the biggest "good" of 2015 was the signing by Governor Christie of the Rewards Bill that we worked on for 3 years. Immediately after the bill was enacted, hundreds of Exxon, BP, and Shell dealers began saving thousands of dollars in annual fees. For all retailers, the best part of the legislation is that it prohibits big box retailers such as Costco and Wawa from offering giveaways at the pumps as a reward for gasoline purchases. They already have a competitive advantage and beat your brains in with low prices. New Jersey is fortunate to be the **only state** with these restrictions that protect retailers. Ask Exxon dealers in neighboring states about the \$6,000 a year sting that they feel for participating in the Exxon "Plenti" program.

The year ended on a "low" note when the long anticipated RFP was released outlining the next Emissions Inspection Program. For six long years

(since 2009), I have made our desire, as well as the benefits to the State, of a totally privatized inspection system, known to anyone of importance. The benefit to you is obvious...more cars in your shop. The benefit to the state is huge... \$43 million in savings for the taxpayers. There were some Trenton folks who ran the other way when they saw me because they just did not want to hear my insistence that closing the CIFs and having all inspections performed in private repair shops was the way that NJ should move. Many agreed with me though, and I was confident that we would prevail. Unfortunately, when the RFP was released just before Christmas, it did not contain this anticipated change, but instead continues a hybrid PIF and CIF system. I am not happy.

One area that saw both "good" and "bad" was the tobacco battlefront. I have become increasingly more sensitive to the concerns of our Convenience Store members and their plight dealing with the loss of tobacco-related sales. For years, NJGCA members were faced with painful gasoline margins in order to bring customers into their repair shops. Today, many still compete aggressively in order to attract customers into their driveways so that some will make purchases inside their stores. The assault on tobacco hurts their efforts and harms the profits that they can achieve. Our success in blocking harmful legislation that restricts tobacco sales in Trenton (the "good") has caused a ("bad") effect in municipalities that are trying to pass local laws that will harm Convenience Store owners. This is truly an instance when cause and effect must be evaluated! For now, NJGCA will continue to fight these proposals on every battlefield.

Yes, there are many other issues that we must monitor, and they give the staff here a reason to get up every day and come to work. Perhaps the biggest disappointment was the setback in our fight to bring self-serve to New Jersey. Although I never expected an easy fight, and I still predict that this will be a multi-year effort, I did not expect the wind to be taken out of our sails by the Senate President when he announced that he would not even allow any debate on the subject. I'll put this topic in the "bad" category for now, but I know that this fight is only beginning.

I wish you all a prosperous 2016.

Del

NJGCA DINER TOUR 2016

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<u>WHAT</u>: Breakfast meetings all around the State, sponsored by our Member Benefit Partners and FREE for all attendees! PLUS, ONE MEMBER AT <u>EACH</u> MEETING WILL WIN \$50 FROM NJGCA!

WHEN: 9:30 - 11:00 AM

Bergen County

Weds. March 2, 2016 Suburban Diner 172 Route 17 North Paramus, NJ 07652

Somerset County

Weds. April 6, 2016 Bridgewater Diner 1244 Route 22 Bridgewater, NJ 08807



Members at the Jan. 13th meeting (Wall Twp)

WHY: We want to hear from our members!

<u>DETAILS</u>: Join us for a FREE breakfast! Hear an update from Sal, and share your questions, concerns & comments.

- Participate in roundtable discussions with NJGCA staff and fellow business owners about issues and events important to your business!
- Meet Member Benefit Partners and learn how to save money and take full advantage of your NJGCA Benefits.

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





WINTER 2016 TRAINING CLASS SCHEDULE

Classes will be held at **NEW** NJGCA Headquarters
4900 Route 33 West, Wall Township, NJ 07753
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1. RE-CERT CLASS for Emission Repair Technicians

This is the NJ DEP approved re-certification class for Emission Repair Technicians. It includes NEW ETEP Sections 8, 9 and 10 (Advanced Gasoline Technologies, Advanced Light Duty Diesel, and Hybrid/Electric Technologies).

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FEES: NJGCA Member = \$635 Non-Member = \$765

Member Testimonial

From: David Helmreich [mailto:dah@xxxx.com] Sent: Tuesday, November 10, 2015 12:12 PM

To: Debbie Hill

Subject: Comments about recent experience

with NJGCA ETEP Classes

Debbie,

I wanted to tell you how much we appreciated the ETEP course that was recently given by NJGCA.

We have tried two other providers in the past, and I'm happy to say that the class we just finished was the best experience we have had by far.

Thanks again, David Howell, NJ

Member Testimonial

From: Saad Abbasi [mailto:xxxxxx@xxxxxx.com] Sent: Monday, December 14, 2015 11:50 AM

To: debbie nigca

Cc: sal@njgca.org; zafar bhai

Subject: RE: Zafar Ahmed & Saad Abassi: store xx

Hi Debbie,

Zafar and I really appreciate your effort in this matter, your effective communication and follow through with our supplier helped us in getting our security funds returned from them. The total amount for the check we received from them represents the full amount that was owed to us. Again thank you for your help in bringing this matter to a close.

We greatly appreciate all of the efforts that NJGCA makes on behalf of their members. If NJGCA doesn't do all of this, then who will? Please feel free to publish this letter as people/dealers should realize the importance of this great organization!

Wishing you, your family and the fine people at NJGCA ... Happy Holidays and a fabulous new year.

Regards

Saad Abbasi and Zafar Ahmed Holmdel, NJ

Membership Memo

By Greg Cannon

Happy New Year to all of you and your families.

This past November, I attended a workshop on the importance of having an employee handbook.

The material covered brought to the forefront the multitude of potential problems an employer can face by not having this important document. Many employers feel that they don't need one due to the size of their company, which is not true. It is one of the most important documents you will have. Often it's treated like insurance ... nobody wants it until they need it. Regardless of the size of your business, if you don't have an employee handbook you should be re-thinking that decision. The day will come when an employee does something, or asks for something and if they don't like your response, you risk becoming another lawsuit statistic. Because you have nothing in writing that addresses workplace issues, you risk incurring legal expenses far greater than the cost of an employee handbook. It is also important that employee manuals are distributed to all employees, and then signed in order to acknowledge receipt of the manual. NJGCA MBP Fox Rothchild LLC is a law firm that specializes in employee matters and can help you construct an effective employee manual. Please call me at the office (732-256-9646) if you would like further information.

Thanks for reading. Until next time.

Cheers!

greg



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- \$11,000,000 to pay for cleanup and defense costs associated with the Passaic River litigation.
- \$7,750,000 to pay for cleanup costs associated with a defunct manufacturing plant

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The Risk of Waste Oil Liability

by Eric Dana

In Sal's recent *Road Warrior* email, the subject of waste oil was described as either you pay for the waste oil pick up or you are paid for it to be picked up. No matter which it is, you have a risk of pollution liability. And it can often be managed at no cost to you.

How? Simply request a Certificate of Insurance from the company picking up the waste oil. If there's a spill or accident, they should be responsible for the clean up. And it won't cost you anything to get the certificate. Easy, right? Yes, it should be... well-run companies can fax you their certificate within a day. If they can't, find another company ... so you don't find yourself on the hook for a cleanup you didn't cause (even if it was your waste oil).

One more thing - check the certificate when you get it. The form should have a current date, there should be coverage listed for "pollution", and it's best if your station's name is the Certificate Holder (look in the lower left corner of the form). Questions? Concerns? Call me. We can review the certificate that you get. Just don't get stuck on the short end of the waste oil relationship.

(Editor's note: Eric Dana is the NJGCA Member Benefit Partner for tank insurance and pollution liability. His email is eric@dana-ins.com; his phone is 800-821-1990.)

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Legislative Roundup



Important Issues Affecting Your Business

By Eric Blomgren

TOBACCO PURCHASE AGE INCREASE

The last few months have continued to see a back and forth in the effort to ban the sale of tobacco products and vaping devices to 19 and 20 year old adults. 14 towns, mostly in Bergen County, have so far enacted this ban within their borders (551 have not). NJGCA saw a victory in November when the town of Hillsdale voted against a ban in their town. It is without question that we won there because of the active involvement of two local c-store owners who knew that this ban would have cost them \$5,000-\$10,000 a year in profits. If we hear about your town trying to pass a similar ordinance, we will reach out to you for your help, if you are engaged we can win, if you are not we will lose, it's that simple.

In the last few weeks of the Legislative session this bill was rushed through two Assembly Committees and passed by the full General Assembly 48-21-5. It was sent to Governor Christie, who chose not to sign it into law, so it expired on Jan. 19th. We expect our opponents to push the issue again, and they will have to start from scratch.

GAS TAX UPDATE

In the first half of 2015 the number one issue in Trenton was how to fund the State's Transportation Trust Fund (TTF), which has been on the verge of bankruptcy due to decades of irresponsible spending by politicians of both parties. The debate was not over whether to raise the gas tax, but how. Governor Christie and legislative leaders were unable to come up with a compromise, particularly with the Governor running for President and the Assembly running for reelection. There was talk that the issue would be resolved during the lame duck session after the November election but before the new legislative session started in mid-January. When push came to shove, however, there continued to be no agreement on what to do and the debate turned to some of the other huge issues facing the state.

Early last year there was much speculation and a behind the scenes effort to add a sales tax on fuel sales. Through our aggressive efforts, NJGCA believes we have successfully discredited that option, and blocked its implementation; however we continue to monitor the situation as closely as possible to ensure it is not resurrected.

The most common rumor regarding the gas tax is that Governor Christie will exchange an increase in the gas tax for a decrease or elimination of the death taxes, the highest in the nation. Small business owners are particularly hurt by these taxes when they wish to leave their business to a family member or friend. Eliminating them completely would lower taxes by about \$700 million a year; which is approximately what would be collected by a gas tax increase of around 13¢ a gallon. The TTF will run out of money on July 1st, with all current gas taxes devoted solely to paying interest on the fund's debt. When a deal is reached, expect things to move very fast. A reasonable gas tax increase that is not a sales tax and combined with a decrease or elimination of the state death taxes would be good deal for NJGCA members, particularly while gas prices are so low.

MANDATORY PAID SICK LEAVE

The bill requiring every business to provide every employee with a certain amount of paid time off was passed by the state Senate in December by a vote of 22-17. Thankfully, the General Assembly chose not to take this bill up in the waning days of the session and it expired on January 12th. As with so many other issues that expired when this session ended, expect this battle to be restarted in the new session.

TIRE REGISTRATION

The issue of mandatory tire registration has reached its conclusion for now. It was inserted into the "must pass" national Highway Bill that was passed by Congress in December. At no point was the issue ever discussed in a Committee or in public, it was pure backroom politics at its worst. We and our allies in DC were successful in at least getting the provision amended (with a special thanks to Rep. Frank Pallone (D-Monmouth) who met with us on short notice about the issue and was instrumental in getting the bill amended). The National Highway Traffic Safety Administration (NHTSA) is now required to conduct a study on the best way to implement the new tire registration process. NJGCA will work to ensure that the voice of the small business is heard in the course of the rulemaking so that in whatever form the registration process eventually takes, it will be much less burdensome than what businesses experienced in the 1980s. If a mandatory registration process includes modern technology, and shields customer contact information from tire manufacturers, there will be much less of a burden on shops selling tires.

MINIMUM WAGE INCREASE

In 2013, New Jersey voters amended the state constitution to raise the minimum wage and automatically increase it every year depending on inflation (as measured by the consumer price index). Due to the fact that in 2015 there was very little change in the CPI, the NJ Department of Labor has announced that in 2016 the minimum wage will stay at the same rate it is: \$8.38 an hour.

This change has not been big enough for labor activists, who have called for the national minimum wage to be increased to \$15 an hour. Thankfully, unlike in many states, New Jersey cities are unable to increase the minimum wage themselves, only the State can do it. The county governments of Essex, Hudson, and Mercer counties have all passed nonbinding resolutions asking the State to raise the minimum wage to \$15 an hour for all employees. Hillary Clinton has called for the minimum wage to be raised nationally to \$12 an hour while her two Democratic primary opponents have called for it to be \$15 an hour. Expect to continue to hear more about this issue in the years ahead, particularly in the race for NJ's next Governor in 2017.

INSPECTIONS

At long, long, long last the State has finally announced what the changes will be to the State Inspection Program. NJGCA originally expected these changes to be announced in late 2012. Instead the current contract was extended a full three years, to May 2016. We have been waiting ever since for the announcement of the next generation inspection system, all along advocating for the closure of the Central Inspection Facilities (CIFs), with all vehicles being inspected at Private Inspection Facilities (PIFs). We, and many others, thought the delay in the announcement of the new program was the State waiting for the best moment to announce such a big (and politically controversial) change. On the last Friday before Christmas, after waiting as long as they could without breaking State contract law, the announcement was published. Unfortunately, the State let down every small business in the State by deciding to continue with New Jersey's archaic and unique "hybrid" system of both PIFs and CIFs operating at the same time.

While the new program does not go nearly as far as we were advocating for, it is a significant improvement over the current program for PIFs.

Here are the major changes:

• All re-inspections of vehicles must be performed at PIFs. Passenger vehicles will still be entitled to their "free" initial inspection at CIFs, but if they fail they are required to have their re-inspection performed at a PIF.

• All commercial vehicles will have to be inspected (and re-inspected) at PIFs. This is particularly

significant because all commercial vehicles are required to receive a safety inspection as well. They are required to be inspected annually.

• All tailpipe emissions are no longer required. According to State figures, 96% of vehicles on the road today have OBD technology. The remaining 4% of vehicles (a % which drops every year) are too old to have OBD technology and will no longer require emissions inspections.

Some of our worst fears about changes were not realized. There was talk that if all inspections were to be done at PIFs, there would be some sort of cap on the price that could be charged for inspections. Thankfully, that did not occur and there will be no changes in the ways inspections are priced. There were indications that the State would stop enforcing violations and have the contractor do audits instead, effectively placing bounties on the heads of PIFs. Again, this was not enacted.

We were also surprised to see that stickers will continue to be used for enforcement. Most states have moved away from stickers and instead tied car registration to inspections, but the State will not follow their example for the foreseeable future.

All PIFs will be required to purchase new inspection workstations, which will be sold by the new contractor. We do not yet know what the cost of the workstation will be. However, it only consists of a basic PC, printer, bar code scanner, and OBD module; so it should not be too excessive. Opacity meters are not included and any PIFs that only perform diesel opacity tests are not required to purchase anything.

Certain protections for PIFs are provided by the contract. The contractor is not allowed to require a deposit on the equipment of more than 25%, and once they take the deposit the workstation must be delivered and installed within 90 days or the PIF will receive a partial refund.

The contractor must also set up a hotline for PIFs to address any equipment issues. If a problem is not solved within 30 minutes they are required to dispatch a field technician. If a message is left on the hotline, it must be returned within 2 hours on the next business day (Monday-Saturday 8am-5pm).

All maintenance costs for the workstation will be paid by the contractor. PIFs will have to pay a transaction fee for every inspection they perform. We will not know what the potential fees will be until the contractors submit their bids in late February. It is expected that between 3 and 5 contractors will submit bids: Parsons, Opus, Applus, SGS, and Worldwide.

There will be no requirement for the retraining of inspectors. The new contractor will be required to provide free training on how to use their workstation when they install it.

Between the requirement for all re-inspections to be done at PIFs and all commercial vehicle inspections to be done at PIFs, the total number of inspections performed by PIFs will approximately double once this new contract goes into effect. It is not yet known when exactly the contract will go into effect, it should be sometime between May and the late summer. It is a 6 year contract, with the possibility of extension for up to 4 years, meaning this program is expected to be in place until somewhere between 2022 and 2026.

WORKERS COMPENSATION INCREASES

In September, the Legislature passed a bill that would have provided cost of living increases to many more individuals on workers comp. These costs, \$58 million per year, would have been passed directly onto private sector employers in the state. A bill was also passed to change the formula used to determine attorneys' fees awarded in workers' comp cases in a way that would discourage settlement, dragging cases out longer in the courts. Thankfully, Governor Christie vetoed both bills.

PLASTIC BAG FEES

In November, the town of Longport became the first in the state to pass a "fee" on plastic bags in their town. Longport, in Atlantic County, has less than a thousand residents and no c-stores or gas stations. It remains to be seen whether it is even constitutional for a town to pass such a fee. Still, this action may start a new trend with this issue similar to what we have seen with the tobacco purchase age increases and paid sick leave.

2015 ELECTION RESULTS

Democrats had a surprisingly good year in the NJ General Assembly races in November. They picked up 4 new seats in total, most from traditionally Republican districts and defended all of their own incumbents. They have expanded their majority to 52-28, and Speaker Vincent Prieto (D-Hudson) was reelected to lead the chamber for another two years. Bruce Land defeated Asm Sam Fiocchi in South Jersey, Eric Houghtaling and Joann Downey defeated Assemblywomen Mary Pat Angelini and Caroline Casagrande in Monmouth County, and Andrew Zwicker defeated Asw. Donna Simon in Central Jersey. Also newly elected in open seats were: Patricia Egan Jones (D-Camden), Arthur Barclay (D-Camden), Joe Howarth (R-Burlington), Jim Kennedy (D-Union), Angela McKnight (D-Hudson), Nick Chiaravalloti (D-Hudson), and Annette Chaparro (D-Hudson).

Next year we will vote for our representatives in the federal government, with President topping the ballot. The first primaries will start in February and run through early June. New Jersey is one of the last states to vote, although if the Republican race stays as divided as it is we may become one of the most important states in the end. We will also be voting for our member of the House of Representatives. It remains to be seen whether any of New Jersey's 12 members of Congress will face a competitive challenge.

NIGCA PAC

This year, the NJGCA PAC spent over \$37,000 supporting the legislators who support your businesses. 2017 will be a big year in New Jersey, as all 120 legislators will be running and there will be a race for Governor, with competitive primaries likely on both sides. You can bet that they will start raising funds for the fight early. Our allies will no doubt be asking us for their help, and we will need their support on controversial issues like self-serve, the gas tax, liquor license reform, and more. Please head to www.nigcapac.org/donate to make a contribution with your credit card or to download a form to send a check with. Thank you for your support.



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Email: cjfrederick@autotraining.net Website: www.autotraining.net

Contact: Guy Rizzolo Cell: 609-502-1917

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2015: The Year in Gas Prices

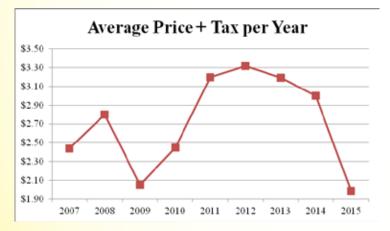
by: Eric Blomgren

This year, gas prices followed a fairly simple track. They were high in the middle of the year and low at the beginning and the end. June was the most expensive month of the year with the average rack price (plus tax) at \$2.44 a gallon. January and December bookended 2015 with the lowest prices, at \$1.73 and \$1.64 respectively, which amounts to a decline in gas prices by about 33% from June to December.

It is also worth noting that the most expensive month in 2015 was still cheaper than almost every month in 2014. The average price was \$3.32 in 2012, \$3.00 last year, and just \$1.99 in 2015. It was the cheapest year for gas since 2009, during the low point of the Great Recession.

We also saw the single cheapest day for gas at the Newark rack in years. On December 22nd, the average price with tax was just \$1.57, the lowest price since February 2009.

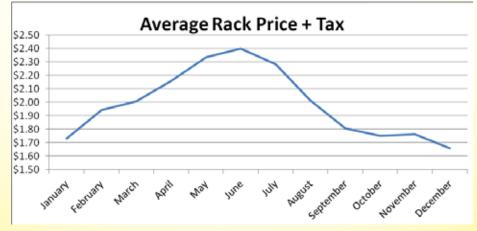
While 2016 will no doubt see gas prices fluctuate throughout the year, it looks likely that we will see prices continue to stay low. The price of crude oil continues to fall, now below \$35 a barrel as supply continues to swamp the market. Saudi Arabia continues to reject pleas from OPEC members to cut back on production. They know if they do so they will lose their worldwide market share to American producers who will continue to pump.



The Saudis are hoping to bankrupt the US fracking business, whose oil costs much more to produce than Saudi oil does. While they are having an effect, it has not been as decisive as they had hoped, and adversity is leading many drillers to figure out new ways to cut costs. In December, Congress and the President also lifted the decades-old ban that prevented US drilled crude oil from being sold on the world market. The end of that ban will give US producers more customers to sell to, while further driving down world oil prices. The lifting of many of the sanctions imposed on Iran will also lead to greater supply as their oil re-enters the world market early in 2016.

As always, there is the threat that some sort of unforeseen geopolitical event could occur that would affect the worldwide supply of oil and drive prices up as a result of fear among commodity traders. The other factor likely to raise prices is that New Jersey is almost certain to raise its gas taxes sometime in the next few months, likely between 10¢ and 20¢ a gallon.

		Change from
	Average Rack	Previous
2015	Price + Tax	Month
January	\$1.73	-\$0.20
February	\$1.94	\$0.21
March	\$2.01	\$0.07
April	\$2.16	\$0.15
May	\$2.33	\$0.17
June	\$2.40	\$0.07
July	\$2.28	-\$0.12
August	\$2.01	-\$0.27
September	\$1.81	-\$0.20
October	\$1.75	-\$0.06
November	\$1.76	\$0.01
December	\$1.64	-\$0.12



NJGCA ON THE ROAD • 17 • JANUARY 2016



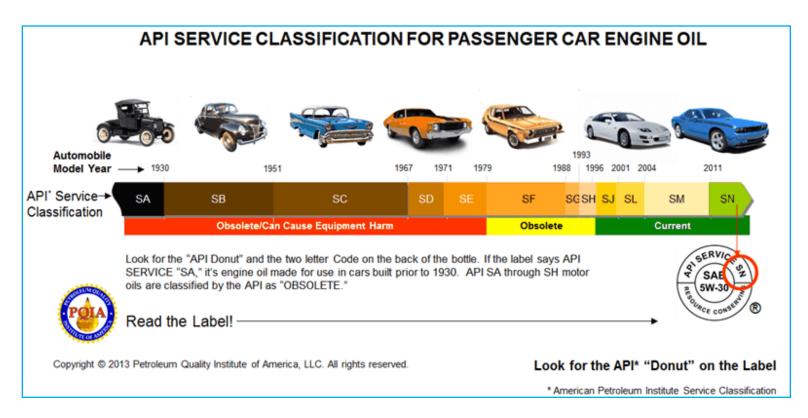
The Petroleum Quality Institute of America

The independent resource for information and insights on the quality and integrity of lubricants in the marketplace.

Some Engine Oils Currently on the Shelves Can Harm Your Engine - Read the Lables!

There are engine oils currently on the shelves at auto parts stores, gas station convenience stores, food stores, and other retail outlets that can cause harm to your car's engine. Yes, you heard correctly – Cause harm to your car's engine. These are obsolete engine oils formulated for use in cars built prior to the 1930s! Know how to read the labels on the front and back of the bottles of oil you buy or you may be using product that can cause unsatisfactory performance or harm to your engine.

The service rating of passenger car and commercial automotive motor oils is classified by the American Petroleum Institute (API). The program certifies that engine oil meets certain Original Equipment Manufacturer (OEM) quality and performance standards. The service rating is shown in the API "Service Symbol Donut" on the product label. As shown in the illustration below, engine oils with an API SA Service Classification were formulated for use in cars built prior to 1930, and are now obsolete. Yet, there are still not hard to find in retail outlets. Read on about what you need to read on the labels.



THE CURRENT API SERVICE CLASSIFICATION IS SN

The labels include two important pieces of information to determine if an engine oil is appropriate for use in your vehicle. The first piece of information speaks to viscosity grade. The Society of Automotive Engineers (SAE) defines a numerical system for grading motor oils according to viscosity. The suffixes (0, 5, 10, 15 and 25) followed by the letter W designate the engine oil's "winter" grade.

Look to your owner's manual. It specifies the viscosity grade required for your car's engine. Today, the most common grades are 5W-30.

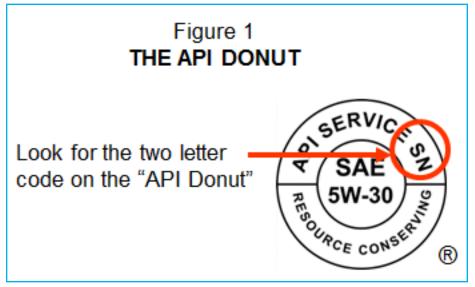
Watch for the "W"

Whereas the labeling on the bottle of engine oil may suggest the product is a 5W-30, note, if there is no "W" between the 5 and the 30 it may not be a 5W-30. As an example, a SAE 5-30 is not the same as an SAE 5W-30.

The next 'code" to look for is the API Service Classification. Although it might appear complicated to understand at the start, it is really a simple system to get your arms around. Think of it this way, when cars were first built, the oil they required needed an API SA Service Classification. From there, it moved to SB, SC, SD, and so on (skipping only SI and SK). **The current API Service Classification is SN.**

So if you buy an engine oil meeting only API SA, it's an engine oil formulated for use in vehicles built in the 1920s. And SA is not hard to find mixed in with SM on the shelves at c-stores and others. Furthermore, it's also not hard to find SF, SJ and other API Service Categories on the shelves. Also, don't let price guide you. Engine oils with a Service

Classification prior to SN (including SA) are often priced close to that of API SN.



The service rating of passenger car and commercial automotive motor oils is classified by the American Petroleum Institute (API). The program certifies that an oil meets certain Original Equipment Manufacturer (OEM) quality and performance standards. The service rating is shown in the API "Service Symbol Donut" on the product label.

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Look to your owner's manual. It specifies the viscosity grade required for your car's engine. Today, the most common grades are 5W-30 and 10W-30.

Watch for the "W"

Whereas the labeling on the bottle of engine oil may suggest the product is a 10W-30, note, if there is no "W" between the 10 and the 30 it may not be a 10W-30. As an example, a SAE 10-30 is not the same as an SAE 10W30.

The next 'code" to look for is the API Service Classification. Although it might appear complicated to understand at the start, it is really a simple system to get your arms around. Think of it this way, when cars were first built, the oil they required needed an API SA Service Classification. From there, it moved to SB, SC, SD, and so on (skipping only SI). The current API Service Classification is SM.

So if you are buying an SA oil, it's an engine oil formulated for use in vehicles built in the 1920s. And SA is not hard to find mixed in with SM on the shelves at c-stores and others. Furthermore, it's also not hard to find SF, SJ and other API Service Categories on the shelves. Also, don't let price guide you. Engine oils with a Service Classification prior to SM (including SA) are often priced close to that of SM.

Always consult your vehicle owner's manual to determine what motor oil you should use, and READ THE LABELS ON THE OIL YOU BUY.

(Editor's Note: Petroleum Quality Institute of America (PQIA) President, Tom Glenn, will be joining NJGCA at our Auto Repair and Tire Shop Summit at the Crowne Plaza Monroe on February 10, 2016 to discuss the dangers of poor quality lubricants).



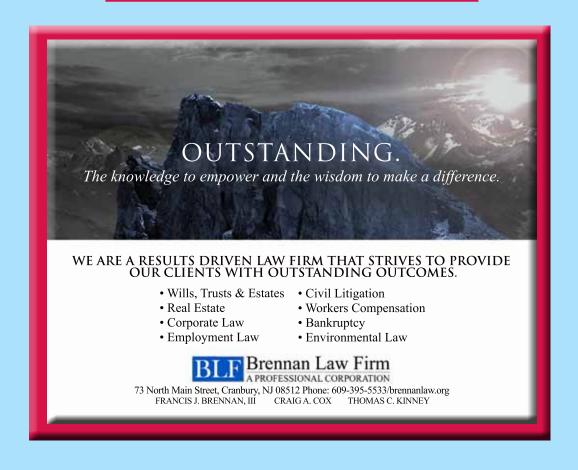
Member Testimonial

January 11, 2016

Sal,

We wanted to give our sincere thanks to Frank, Natesha, and the rest of the team at the Brennan Law Firm for all their hard work! I am so glad that they represented us in the sale of our building and gas station business. They answered all of our questions, walked us through the process step by step, and their prices were fair. We have been impressed from start to finish and we would highly recommend them to anyone in need!

Best, Robert and Maryann Pascale Waretown, NJ



Horror Highlight: NJMVC Proposes \$245,000 Penalty and Lifetime Revocation of PIF and Inspector's License

By Debbie Hill

Since joining NJGCA in 2007, I have accompanied almost 200 members to Trenton to mitigate fines, penalties, and proposed suspensions of their Motor Vehicle Inspection licenses. I've become very good at judging the outcomes of each case before I get into the hearing room. Outcomes are based on many factors, and the harshest penalties are reserved for outright fraud. In cases that involve outright fraud my hands are tied, as Sal does not permit me to defend dishonest members that blacken the eye of honest members.

Recently, I encountered a case that baffled even me. Although our member knowingly used an incorrect procedure to conduct emissions inspections, his intent was not to deceive, defraud, or cheat the system. None of the 98 vehicles that had approval stickers affixed to them were sent out the door with faulty emissions. However, the inspections were seriously flawed and did require a higher level of punishment; just not quite at the levels being proposed by MVC. How was I going to accomplish a fair, just, and merciful yet punitive penalty that fit the offense? There was also the fact that MVC knowingly allowed the infractions to continue before stepping forward to notify the PIF owner. Had the infraction been immediately brought to light and penalties issued when they were first discovered, the practice would have ended and the penalty would not have been so harsh.

What was the infraction? The PIF owner adjusted the GVWR for numerous vehicles that he inspected and then conducted a full tail pipe emissions test rather than the required OBD test. Yes, the vehicles did pass the tail pipe test, so this was not a matter of trying to fudge procedures in order to coax a failing vehicle to pass. It was simply a matter of stupidly bypassing proper procedure and leaving room to question the integrity of the inspection. MVC was taking a hard line, as they should. Intentionally conducting emissions tests that are procedurally incorrect can too easily be substituted for fraudulent procedures in non-passing situations, so it must be viewed with harshness. The total fine being proposed was \$245,000 along with a permanent revocation of both the PIF license and the owner's personal Inspector's License.

At first, our member paid \$15,000 to hire an attorney. After several weeks of wrangling and realizing that an attorney without any experience in a matter like this was going nowhere, our member called NJGCA. Having read previous articles that I had written recounting some of the crazy horror stories of other members, he shared his dilemma with me. I knew that I could help but I needed a lot more information. Our member fired his lawyer and received a refund.

After receiving all the violations and paperwork that was left at the shop when the state came by to pick up the licenses, I contacted the appropriate officials to formally request discovery in this matter. I then received over 40 pages of documents and evidence that took hours to examine. A whopping 98 emissions inspections were conducted improperly over an 18 month period.

I discovered that this procedural problem began when the member was unable to pass a difficult vehicle and learned that changing the GVWR enabled him to substitute a tail pipe test. I also learned that it became his practice to use a hand held scan tool before conducting the tail pipe test when no codes were present. Other times, vehicles were repaired before conducting a tail pipe test to submit for inspection. After analyzing the repair orders for each of the 98 vehicles, we were able to show that even when emissions standards were not originally met, repairs were made to correct the deficiency prior to an approval sticker being affixed to the vehicle. In all instances there were no cars on the road that didn't meet emissions standards, but in all instances serious infractions had occurred.

At the hearing, I coupled all of the positive facts with the negative facts that couldn't be ignored. After several hours of negotiating, our member admitted the infractions and explained the reasons for committing them. Then, our member asked for leniency and promised to adhere to all proper procedures in the future. The result was a 3 year suspension of both the PIF license and his personal Inspector's license, and a monetary penalty of \$40,000 to be paid over the 3 years of the suspension. Yes, this is still a very painful penalty, but in the scheme of things, we acheived a much better outcome than what MVC originally sought.

It is important to understand that NJGCA is not a law firm and cannot act as one. In my capacity here at NJGCA I can use my experience in these matters to advise and accompany members to hearings and even negotiate on their behalf. In cases where fraud has occurred, we always advise admitting the wrongdoing and requesting forgiveness and mercy. When fraud is obvious but not admitted to, Sal will not permit me to assist, as it casts a black eye on all others who request our help and have simply made honest mistakes.

Please be vigilant and make sure that you and your shop employees are conducting emissions inspections professionally and with integrity. Please do not hesitate to contact me if you have any questions or concerns regarding proper inspection procedure (732-256-9646 or debbie@njgca.org).

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BRENNAN LAW - Environmental Law Specialists

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