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LIGRA KEEPING YOU INFORMED.

Many of you have seen, and contacted our office over the new law that went into effect regarding retailers ability to charge a fee to customers for using a credit card.

New law clarifying disclosure of credit card surcharges goes into effect in New York State

A new consumer protection law went into effect February 11th amending and clarifying New York's existing credit card surcharge law.

Now business transactions imposing a credit card surcharge must post the total price of transactions, including the surcharge, prior to the sale.

New York Governor Kathy Hochul signed the law on December 13, 2023.

Moving forward, businesses must limit credit card surcharges to the same amount charged by the credit card company.

Businesses can choose either to solely display the higher credit card price for the products or services they sell, or to list both the credit card price and the lower cash price for the items.

However, businesses are not allowed to simply put up a sign saying a fee is applied to all credit card

FYI,

You can now pay your LIGRA dues online with **NO FEE'S** for ACH payments.

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DMV STUDY BILL

Chris Daniello | Chris@Ligra.com



LIGRA Keeping you informed.

As many of you know, Ligra has been working with the DMV on increasing the NY Inspection fee.

Thanks to our work with both the New York State Assembly and Senate, LIGRA has introduced study bill A 8190 (in the Assembly) and S 9436 (in the Senate).

This bill, if passed will force the DMV to review the inspection fees and all inspection regulations.

We **now** need your help. Now is the time to reach out to your elected Assembly person, and Senator, asking them to support these Study bills.

You can copy and paste this letter to send to your elected official.

Assemblyman/Senator:

We respectfully request that your office supports and advances the following DMV Study bill
Assembly Bill # A8190 Senate Bill # S9436

Our industry has been performing vehicle inspections for the past 27 years without an increase in the fee or an overhaul of the inspection regulations, addressing the newer technology and EV vehicles. The cost of living, salaries, overhead, have all increased, yet the fee's and regulations to the inspection program have remained the same.

Sincerely

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<https://ligra.com/who-is-my-elected>

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FTC ANNOUNCES A NEW RULE BANNING NON-COMPETE AGREEMENTS THAT RETROACTIVELY INVALIDATE MOST NON-COMPETE AGREEMENTS IN THE UNITED STATES

On April 23, 2024, the Federal Trade Commission (“FTC”) issued a final rule, which, once it takes effect, will invalidate almost all private sector non-compete clauses across the United States. The rule takes effect 120 days after it is published in the *Federal Register* on May 7, 2024, which would put the rule in effect on September 4, 2024.

Under the FTC’s new rule, an employer will be found in violation of Section 5 of the FTC Act if for an employer:

- Enters into or attempts to enter into a non-compete clause.
- Enforces or attempts to enforce a non-compete clause.
- Represents that a worker is subject to a non-compete clause.

This rule applies both retroactively to existing non-compete restrictions and to any future non-compete restrictions that employers attempt to enforce.

Notification

Employers must notify relevant workers that their non-compete restrictions are no longer enforceable after the effective date. The FTC provides model language that will satisfy the Rule's notice requirement.

Senior Executives

The final rule states that employers will violate Section 5 if, with respect to workers who are senior executives, they:

- Enter into or attempt to enter into a non-compete clause.
- Enforce or attempt to enforce a non-compete clause entered into after the effective date.
- Represent that an executive is subject to a non-compete clause that was entered into after the effective date.

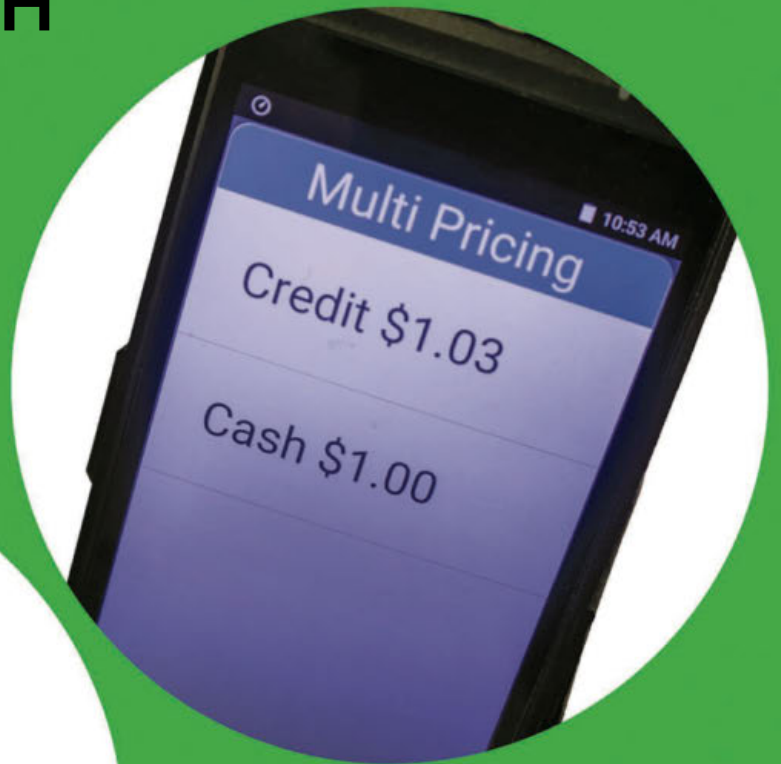
The final rule defines “senior executive” to be a worker earning over \$151,164 annually in a policy-making position.

Exceptions

The final rule does not apply:

- To non-competes entered into as part of a bona fide sale of a business entity.
- Where an action to enforce the violation of a non-compete clause accrued before the effective date.

ZERO FEE CREDIT CARD PROCESSING IN COMPLIANCE WITH NY LAW AND VISA REGULATION



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ROB APPEL - RAPPEL@AMSPROCESSING.COM
MOBILE: (516) 815-2355 FAX: (516) 447-4421

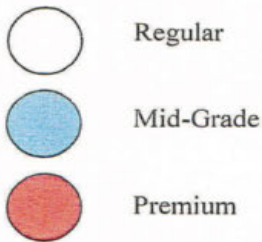


API COLOR CODES

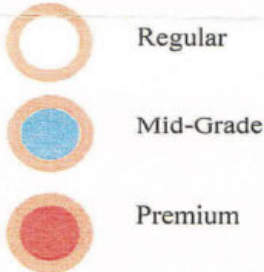
The American Petroleum Institute requires each fuel type to be clearly marked both with text but also with API Color Codes and symbols for quick identification.

COLOR CODING AND LABELING

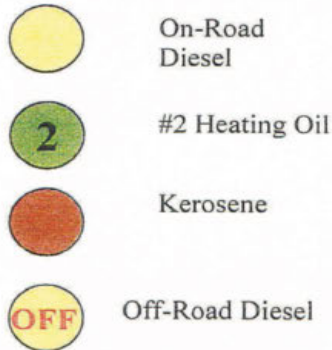
GASOLINE 10% Ethanol



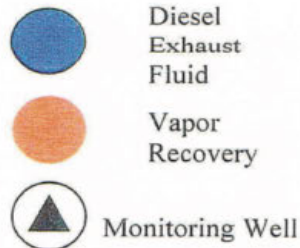
E10 Gasoline with Coaxial Vapor Recovery



DIESEL AND DISTILLATES



Other



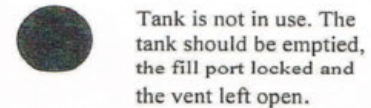
ALCOHOL-BASED FUELS

Where an alcohol based product is offered for sale in addition to the three primary grades, color code as follows:

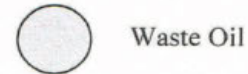


In the above example, "E" represents ethanol and "85" refers to the percentage of ethanol in the fuel.

TEMPORARILY OUT OF SERVICE



Waste Product



Color coding of monitoring wells is only required when the well covers or caps are not permanently labeled by their manufacturer
If a color code for a product you are storing is not shown above, use the products common name to identify it

UST LABELING REQUIREMENTS

UST's installed after December 27, 1985 must have a label permanently installed at the fill port with the following information on it:

- 1) The unique tank identification number (from registration certificate)
- 2) The dimensions, design and working capacity, and model number of the tank
- 3) The name of the manufacturer of the tank
- 4) The standard of design by which the tank was manufactured
- 5) The petroleum products and percentages of volume of petroleum additives which may be stored permanently and compatibly within the tank
- 6) The year in which the tank was manufactured
- 7) The date of installation of the tank
- 8) Manufacturer's statement that, "This tank conforms with 6NYCRR Part 614"

AST LABELING REQUIREMENTS

All AST's must bear a labeled or placarded with the following information:

- 1) The color code for the product stored in the tank
- 2) The unique tank identification number (from registration certificate)
- 3) The total capacity of the tank
- 4) The working capacity of the tank (90% of the tanks total capacity)

Lobbyist Report

Enacted Budget Includes Provision to Help Small Businesses Invest in Critical Retail Theft Prevention

Speaker Carl Heastie today announced that the Enacted State Fiscal Year (SFY) 2024-25 Budget includes a \$3,000 tax credit to help small businesses invest in retail theft prevention measures.

“Small businesses are at the very core of our communities, and the Assembly Majority is committed to getting them the tools and resources they need,” Speaker Heastie said. “This tax credit will help them invest in theft prevention measures and keep their businesses and their employees safe.”

The enacted budget implements a \$3,000 tax credit for small businesses investing in retail theft prevention. Businesses with 25 or fewer employees would qualify for the credit if their retail theft prevention expenses exceed \$4,000 and businesses with between 26 and 50 employees would qualify if their expenses exceed \$6,000.

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LIGRA Keeping you informed

As many of you know, Ligra has been working with the State on increasing the N.Y. Inspection fee. Yesterday New York State Senator Cooney introduced bill # S9436.

This Bill if passed will force the DMV to review the inspection fees and all inspection regulation.

This Senate bill is a version of Assemblies bill A 8190.

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER:

S9436

SPONSOR: COONEY

TITLE OF BILL:

An act directing the commissioner of motor vehicles to conduct a study of official inspection stations, safety inspections and fees

PURPOSE OR GENERAL IDEA OF BILL:

Requires the NYS Department of Motor Vehicles to conduct a study on the appropriate fees and subjects of the annual motor vehicle safety and emissions inspection.

SUMMARY OF PROVISIONS:

Section 1: Directs the NYS Department of Motor Vehicles ("DMV") to conduct a study on updating the standards and fees for the annual motor vehicle safety and emissions inspection in NY. The DMV shall include representatives of the State's inspection stations, the National Highway Traffic Safety Administration and other relevant vehicle safety organizations. Section 2: Gives the DMV 1-year after becoming law to complete the study. The DMV must submit the report to the Assembly and Senate. Section 3: Establishes the effective date.

JUSTIFICATION:

New York State requires motor vehicles to undergo an annual safety and emissions inspection to ensure the vehicle is safe and not excessively polluting the environment. The fees for inspection range between \$6 and \$27 depending on the vehicle. These fees have not changed in over a decade and led to concerns from inspection stations that it is not inline with their current costs. Additionally, as motor vehicles become more sophisticated there may be a need to reevaluate the items that are required in such inspections to ensure safety and reduce emissions.-This study will help the DMV to evaluate what fee levels are appropriate and if changes are needed to the inspection list.

LEGISLATIVE HISTORY:

New Bill. To be determined.

EFFECTIVE DATE:

30 days after it becomes law.

We need your help. Now is the time to contact your New York State Senator and Assemblyperson, asking them to not only support but to bring these bills A8190 and S9436 to the floor to be voted on.

Non compete agreements

Where there is an attempt to enforce a non-compete and there is a good-faith basis to believe the final rule is inapplicable.

The final rule does not limit enforcement of State non-compete laws that do not conflict with the final rule. However, the final rule preempts State laws that conflict with the final rule.

The new rule applies only to entities and individuals that are subject to the FTC Act, which excludes entities such as non-profits, banks and credit unions, and common carriers, among others (15 U.S.C. §45(a)(2)).

Next Steps

Employers should immediately audit their existing offer letters, employment agreements, severance agreements, handbooks and other written policies to determine if these documents include a non-compete restriction that is unenforceable under the Rule. Employers will have to inform any employee or former employee subject to these non-compete restrictions with notice that the non-compete clause is no longer enforceable under the FTC Rule.

Additionally, Employers should consider alternatives to non-competes to protect their confidential information and good will with customers and employees. To protect confidential information, employers should have strong non-disclosure agreements and policies in place to ensure that its confidential information is not disseminated to third-parties. Additionally, employers should have strong IT protections to ensure that confidential information remains confidential.

With respect to good will with its customers and employees, Employers should have non-solicitation provisions in place with its employees. A narrowly tailored non-solicit (typically in place for no longer than 12 months and covering a reasonable geographic restriction) may protect employers from having its employees and former employees solicit the Employer's customers, employees, independent contractors and vendors from using the services of one of the Employee's competitors.

Legal Challenges

There have already been at least three lawsuits filed across the United States seeking to invalidate the FTC's rule. It is anticipated that enforcement of the final Rule will be stayed while these legal challenges go to completion. However, Employers should still start taking the steps outlined above to prepare to comply with the new rule.

Please note that nothing in this alert should be considered legal advice. Employers should consult with counsel to ensure compliance with the FTC's new non-compete ban. For more information, please contact Ligra's legal counsel, Andrea Tsoukalas Curto.

Mandatory Sexual Harassment Policy and Training

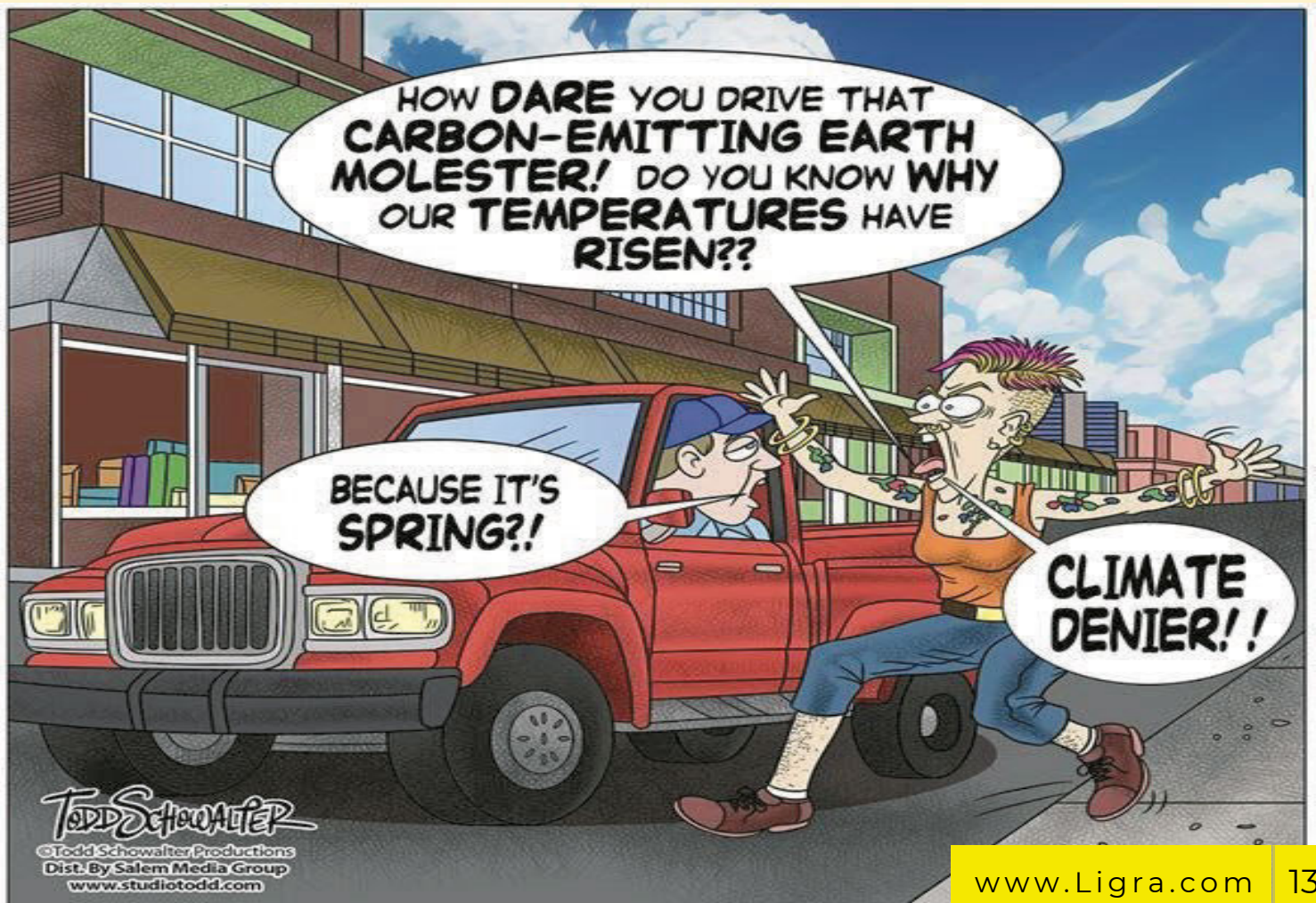
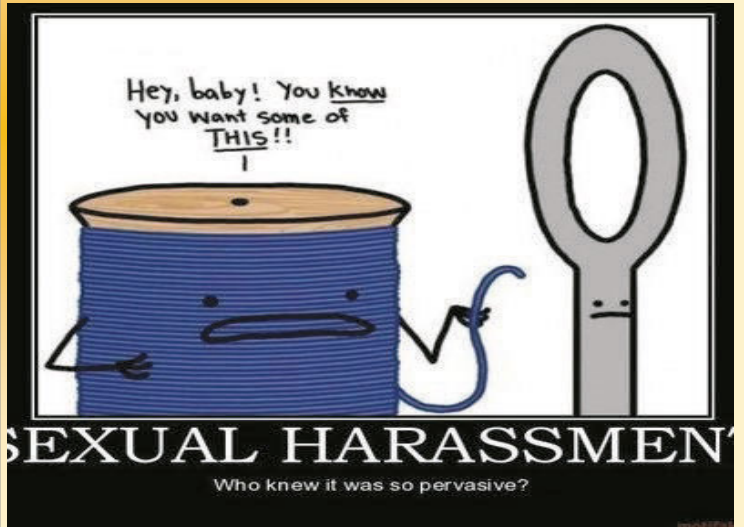
New York State, MANDATES all employers, regardless of the company's size, must have a sexual harassment policy. Employers must also conduct ANNUAL interactive sexual harassment training and provide a written anti-harassment policy to ALL employees. To help keep you in compliance with this regulations.

To comply with the MANDATORY interactive sexual harassment training, LIGRA will be hosting this training class. These classes will be held in our LIGRA Office .

We do also offering sexual harassment training in addition, at your location..

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THE LIGRA BULLETIN OFFICIAL PUBLICATION OF THE
L.I. Gasoline Retailers Association 270 Spagnoli Road, Suite 203 Melville, N.Y. 11747

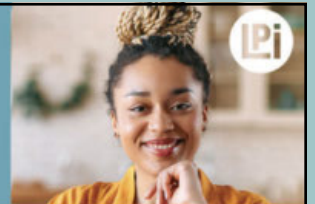
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