



# DECEMBER 2024 BULLETIN

## ASSOCIATION CONTEST

**CONGRATULATIONS** to our November Trivia Contest Winner: **MCLEAN WHEEL ALIGNMENT, YONKERS, NY**. Please read through this bulletin for your chance to win!!! Call the office or email [ssdgnny@ssdgnny.org](mailto:ssdgnny@ssdgnny.org) with the correct answer to the trivia question to be entered in the monthly drawing for a chance to receive a free month's dues; a \$45 value.

## ATTORNEY'S CORNER

Vincent P. Nesci, Esq., General Counsel for SSDGNY

### SO, YOU GOT YOUR JUDGMENT – NOW WHAT?

In New York, if a merchant is seeking to collect money owed to them from a customer or business (in the context of a commercial small claims case or lower civil court case), there typically are a few key steps after obtaining a judgment. Here's how the process works:

#### 1. Small Claims Court (Commercial)

Small Claims Court is designed to resolve disputes quickly and without the need for an attorney, though it is limited to claims up to \$10,000. If the merchant is successful in court, they are granted a **judgment**, but they are responsible for collecting the money themselves unless other arrangements are made.

#### Steps to Collect:

- **Request the Judgment:** After winning the case, the merchant will receive a judgment which states the amount owed, including any court fees or other costs.
- **Judgment Debtor Exam:** If the debtor does not pay voluntarily, the merchant can request a **Judgment Debtor Exam** (an examination of the debtor's financial situation) through the court. This can provide information on the debtor's assets, income, or other sources of funds, but is usually done with a Collection Attorney.
- **Enforcement Mechanisms:**
  - **Sheriff's Levy:** The merchant can request a **writ of execution** from the court, which authorizes the sheriff to seize and sell the debtor's property to satisfy the debt.
  - **Garnishment:** The merchant can ask the court to garnish the debtor's wages or bank account. A **bank account garnishment** (bank levy) or **wage garnishment** requires a court order,

which can be used to freeze funds or direct an employer to withhold a portion of the debtor's wages.

- **Lien on Property:** If the debtor owns real property, the merchant can file a **judgment lien** against the property. This lien will appear when the property is sold, ensuring the merchant gets paid out of any proceeds.

#### Timing:

The process of enforcing a judgment (such as garnishment or levy) can take time and may require follow-up with the court to ensure proper enforcement.

#### 2. Civil Court (Lower Civil Courts)

In New York City, **Civil Court** handles claims ranging from \$10,000 to \$50,000 (the limit can vary in other parts of New York). Like the Small Claims Court, if a merchant wins a case in Civil Court, the court will issue a **judgment** for the money owed.

#### Steps to Collect:

- **Post-Judgment Motions:** If the debtor does not pay voluntarily, the merchant can file post-judgment motions to enforce the judgment. This includes filing for a **wage garnishment, bank account levy, or property lien**.
- **Execution Orders:** The court can issue a **writ of execution**, directing law enforcement (usually the sheriff or marshal) to seize assets to satisfy the debt.
- **Property Seizure:** The court may allow for a **levy** on personal property, which can be sold at auction to recover the judgment amount.
- **Garnishment of Wages or Bank Accounts:** The court can issue orders for the garnishment of wages or bank accounts, but this requires knowing the debtor's employer or financial institutions.

#### 3. Other Collection Options

- **Debt Collection Agencies:** Merchants can also hire a third-party debt collection agency to recover the funds. However, these agencies usually take a percentage of the recovered amount as a fee.
- **Negotiation:** Merchants may also attempt to negotiate a payment plan or settlement with the debtor before pursuing formal legal action. In some cases, debtors may be willing to pay in installments or settle for a reduced amount.





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## 4. Additional Considerations

- **Statute of Limitations:** New York has a statute of limitations for bringing a lawsuit to collect a debt, which is typically **6 years** for most commercial contracts. However, once reduced to Judgment, it is good for 20 years.
- **Bankruptcy:** If the debtor files for bankruptcy, the debt and/or judgment may be discharged, or the merchant may need to file a claim in the bankruptcy proceeding to try to recover a portion of the debt.

In summary, once a judgment is obtained in either small claims or civil court, the merchant must take steps to enforce the judgment, either by garnishing wages, levying bank accounts, or seizing property. If the debtor does not voluntarily pay, these enforcement actions are essential for collecting the money owed.

## RETAILER GROUPS URGE SENATE TO CHANGE 'ANTICOMPETITIVE' SWIPE FEE SYSTEM

Advocates encourage passage of the Credit Card Competition Act during Senate Judiciary Committee hearing.

Retailers and industry groups are pushing back on credit card swipe fees as lawmakers discuss the current state of the market.

Multiple organizations encouraged legislative action, as the Senate Judiciary Committee held a Nov. 19 hearing titled "Breaking the Visa-Mastercard Duopoly: Bringing Competition and Lower Fees to the Credit Card System."

"Americans have had enough. Inflation and higher costs are hurting families while Wall Street banks and credit card networks are raking in astounding profits. It's time for Congress to act and help merchants and consumers by passing the Credit Card Competition Act," said Austen Jensen, executive vice president, government affairs, at the Retail Industry Leaders Association (RILA).

Citing data released by payments consulting firm CMSPI, RILA noted that swipe fees to process credit and debit card transactions reached \$224 billion in 2023 and stated that its members believe the Senate Judiciary Committee must protect consumers by ensuring competition exists throughout the payments arena.

Growing credit card swipe fees that are driving up costs for retailers and prices for consumers could be reined in by passage of the Credit Card Competition Act (CCCA), stated National

Retail Federation (NRF) in a letter sent to the committee ahead of the hearing.

"Arbitrarily high swipe fees are adding inflationary pressure to the U.S. economy and prevent retailers and other merchants from growing their businesses," NRF Senior Vice President for Government Relations David French wrote. "The Credit Card Competition Act provides a bipartisan, common-sense solution that would finally bring competition to the credit card routing market" while delivering "fairness and transparency to the payments system and relief to American businesses and consumers," he said.

According to French, because Visa and Mastercard control more than 80% of the U.S. credit card market and each centrally set swipe fee rates charged by all banks that issue their cards, every U.S. business that accepts credit cards is forced to pay excessively high payments fees imposed on a "take-it-or-leave-it" basis.

"The current credit card system has been designed by the Visa-Mastercard duopoly to maximize profits for the networks and the nation's largest credit card issuers while forcing merchants and their customers to pay excessive fees without any recourse to help bring these costs under control," French said. "This market failure requires action by Congress."

## Hearing Testimony

During the hearing, the Merchants Payments Coalition (MPC) testified before the Senate Judiciary Committee that rising credit card swipe fees cost small businesses and their customers billions of dollars each year, and joined the NRF in calling for the passage of the CCCA.

"Most consumers are not aware of these fees or the effect they have on the cost of goods and services and the U.S. economy, but the effects are dramatic," MPC Executive Committee member and National Association of Convenience Stores General Counsel Doug Kantor said. "For merchants, these excessive and ever-increasing fees are a constant source of stress and financial difficulty, and for consumers they contribute significantly to inflation. In fact, swipe fees reduce efficiency across the economy.

"It does not have to be this way," Kantor continued, adding that the Credit Card Competition Act would introduce market competition where none currently exists by creating incentives for innovation on price and service that would benefit both consumers and the economy. "Swipe fees desperately need those incentives but lack them today. The CCCA would deliver on that."





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Kantor appeared at the hearing on behalf of MPC and NACS. He told the committee that because Visa and Mastercard require merchants who accept any of their cards to accept all their cards, they remove "almost all bargaining power" merchants might otherwise have to negotiate with banks.

Complex card industry rules keep the true cost of credit card swipe fees under "a veil of secrecy," not appearing on receipts or monthly bills, according to Kantor.

"The problems caused by all of this for consumers, merchants and the economy are immense," he said.

The hearing was held by Senate Judiciary Committee Chairman Richard Durbin (D-Ill.), one of the lead sponsors of the CCCA along with Sen. Roger Marshall (R-Kan.).

*As seen on csnews.com*



## NYVIP MESSAGE No. 310

### **SUBJECT: 2026 STICKER STOCK SHIPMENTS & RIBBON REPLACEMENT**

**Sticker Printer Ribbon Replacement Alert:** If your sticker printer ribbon has not been replaced in the last 12 months, regardless of use, you must replace it. You must purchase a replacement ribbon from Opus at [www.NYVIP3.com](http://www.NYVIP3.com). Using any other ribbon than those supplied by Opus will cause print quality and degradation issues. Refer to your Station Participation Agreement Page 3 Section 2 Warranty Services: "All consumables and replacement parts, must be purchased from Opus. Excluded from the warranty are the following parts and consumables: Toner/Drum Cartridge (Vehicle Inspection Report (VIR) Printer), Ribbon (Sticker Printer)".

We recommend replacing the ribbon when loading the 2026 sticker stock. Follow the steps below to order a new ribbon from the Opus website:

1. Visit [www.NYVIP3.com](http://www.NYVIP3.com) and log in using your Facility ID and password.
2. Hover over "My Account" and select "Purchase Equipment."

3. Scroll down and select "Add V300 Resin Ribbon" then proceed to shopping cart.
4. Complete your payment and shipping information to finalize your order.

**2026 Expiration Sticker Stock:** Opus Inspection began shipping Gray 2026 expiration sticker stock to active NYVIP3 inspection stations on October 23rd, 2024. This process will continue through the second week of December. There is no need to request the 2026 sticker stock, as it will be automatically shipped via FedEx based on your station's license type(s) and, where possible, historical inspection volume. At a minimum, you will receive enough sticker stock for the first quarter of 2025, and in some cases, for the full calendar year.

Once you receive the 2026 sticker stock, please ensure that the stock type, quantity, and serial numbers on the receipt match the items received. If any discrepancies are found, contact Opus immediately at (866) OBD-TEST (866-623-8378).

### **Important Reminders:**

- You are required to enter all sticker stock serial numbers into your Computerized Vehicle Inspection System (CVIS) immediately upon receipt.
- You must store the 2026 sticker stock securely. Do not load the 2026 sticker stock into the CVIS sticker printer before January 1, 2025.
- Any damaged or voided NYVIP3 sticker stock must be kept at your station for auditing by NY DMV personnel.
- Unused 2025 sticker stock must be returned to Opus at 7 Kripes Road, East Granby, CT 06026, by March 1, 2025. Additional details and a return form will be provided in a future message.

Opus will use the email address provided during your NYVIP3 registration for all communications regarding order tracking, sticker shipments, and other updates. It is the responsibility of the station manager or owner to keep this information up to date. If you do not receive an email with your tracking details, please contact Opus to update your contact information.

Thank you for your continued participation in the New York Vehicle Inspection Program.







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## US SENATORS PUSH AUTO SAFETY AGENCY TO FINALIZE VEHICLE RULES

WASHINGTON (Reuters) - A group of nine Democratic senators on Wednesday urged U.S. auto regulators to move quickly to issue new vehicle safety rules in the face of traffic deaths that remain significantly above pre-COVID levels.

Senators Ed Markey, Richard Blumenthal, Dick Durbin, Jack Reed, Ron Wyden and others wrote the National Highway Traffic Safety Administration (NHTSA) asking the agency why it has missed some deadlines for writing new safety regulations.

U.S. traffic deaths jumped 10.5% in 2021 to 42,915, the highest number of people killed on American roads in a single year since 2005. Deaths have fallen but remain higher than any pre-pandemic year since 2008.

NHTSA this year finalized rules to require automatic emergency braking in cars and light trucks by 2029 and proposed new seatback safety standards to prevent rear passengers from being killed by collapsing front seats. It also proposed rules to address risks of pedestrians hit by vehicle hoods.

"Although this progress is encouraging, NHTSA has more work to do," the senators wrote. "The agency must still finalize some of its proposed rules and has not yet issued rules for many provisions — rules that are already overdue or nearing their statutory deadline."

NHTSA did not immediately comment.

A 2021 infrastructure law included 10 new auto safety provisions including modernizing standards for crash avoidance technologies, automatic engine shutoff devices and headlights.

The law directs NHTSA to set rules requiring future new vehicles include technology to prevent alcohol impaired drivers from driving by November but the agency has not done so.

NHTSA missed a distracted driving study deadline and not issued rules due by November 2023 requiring new cars to be equipped with systems to alert drivers to check rear seats after vehicle shutoff.

NHTSA's slow pace of writing new regulations has come under fire and the agency is often years behind congressional deadlines to write rules. NHTSA in recent years has made progress on addressing some long-standing regulations.

In June, a group representing General Motors, Toyota, Volkswagen and other major automakers asked it to reconsider the automatic emergency braking rule.

*by David Shepardson as seen on usnews.com*



## HEALTH INSURANCE OPEN ENROLLMENT

It is renewal time for the Oxford and Anthem Health plans. January 1, 2025, open enrollment begins. If you would like to switch within your plan now is the time to do so. You are only allowed to switch within your plan during the open enrollment period. The Oxford and Anthem plan details are outlined on the medical election forms that you will receive via email. If you do not receive them please call the Association right away.

If you'd like to switch to another insurance carrier you may do so at any time. We offer insurance plans through UBF/Aetna-Meritan, EmblemHealth, Guardian Dental and VSP in addition to Oxford and Anthem. Please contact the Association by phone at 914-698-5188 or by email at [ssdgny@ssdgny.org](mailto:ssdgny@ssdgny.org) for more information of if you would like to make a plan change.

## MADE PAYABLE TO....

Effective immediately, we ask that you please make your monthly payments as follows:

- Membership dues and legal fees payable to Service Station Dealers
- Health Insurance and DBL premiums be made payable to Inter-City Insurance Fund.

Automatic monthly payments will be processed accordingly.

To avoid sending a monthly payment for your membership dues you may now send your dues payment in increments of 3 months (\$135), 6 months (\$270) or annually (\$495 for a \$45 savings). We also offer automatic monthly payments by ACH. If you are interested, please contact the association to enroll.

We appreciate your cooperation and understand that this may be a small inconvenience and will take some getting used to.





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## DECEMBER TRAINING



PTS On-Demand is for busy Professional Technicians. Our courses modules are built around real-world case studies. We'll show you how to use the latest tools and techniques and access the repair data to answer your toughest questions. Here is a sample of some of the On-Demand courses we offer:

- Diesel Exhaust Fluid and Particulate Filters
- Lapscope Pressure Transducer Application
- Ignition Analysis
- Understanding and Analyzing Wiring Schematics

Click the QR Code for more information and courses



Carquest Technical Institute (CTI) provides world-class training to automotive service professionals. CTI teams work to develop and deliver technical and business management training to shop owners, service advisors, service managers, and technicians. The CTI training advantage combines industry-leading instructors, premium and relevant course content, and training that supports best practices. Check out some of what we have set for December:

- Effective Electrical Troubleshooting: Digital Storage Oscilloscope Setup & Operation
- Scan Tool Academy Practical Application & Analysis
- Misfire Detection & Diagnosis

Click on the QR Code for more details



## CLASSIFIEDS

To place a for sale, for rent or wanted items classified ad please email the specifics to [ssdgny@ssdgny.org](mailto:ssdgny@ssdgny.org) or call us at 914-698-5188. This service is free for all Association members.

## WELCOME NEW MEMBERS

John's Automotive Restoration & Repair, LLC  
Greenwood Lake, NY

Ethos Auto Body, LLC  
Bedford Hills, NY

### REFERRALS

If you know of a station that needs our services and is interested in becoming a member, refer them to us and upon signing you will receive a \$50.00 Amazon gift card.

If you know of someone interested, please contact our Sales Representative Bill Griese at 914-227-0144.

## TRIVIA QUESITON

By what date do all unused 2025 sticker stock need to be returned to OPUS?

Call the office at 914-698-5188 or email us at [ssdgny@ssdgny.org](mailto:ssdgny@ssdgny.org) with your answer for a chance to win a free month's dues.

We hope you enjoyed reading this month's bulletin. If you have any questions, feel free to call the association. We are here to help you and your industry.

Best Regards,

*Service Station Dealers & Automotive Services  
of Greater NY, Inc.*

