

Harris Auto Body

421 Park Ave
Worcester, MA 01610
(P) 508 799 7065
(F) 508 792 5114 MA License and Insured

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Commonwealth of Massachusetts
Auto Damage Appraiser Licensing Board
1000 Washington Street
Suite 810
Boston, MA 02118-6200

Re: Possible Changes to 212 CMR 2.00

Gentlemen:

As an owner of a collision repair shop in Massachusetts, I am concerned about changes that are being proposed to 212 CMR 2.00 regarding preliminary "teardowns" that are authorized by body shop appraisers. In particular, I am concerned that you are considering changing the regulation to require insurer approval before a shop may partially disassemble a damaged vehicle. While I do not condone a shop that arbitrarily disassembles a vehicle that has only a scratch, or a shop that goes way beyond what is necessary to examine hidden damage, I do think that repair shop appraisers and the shop's customers should be able to make their own decision of whether or not to partially disassemble a vehicle in order to be able to make a more accurate appraisal. They should be able to do so without having to get prior insurer approval. I ask you to consider:

(1) Under your regulation, repair shop appraisers are required to write their own appraisals for purposes of negotiation, and are supposed to specify "all damage" attributable to the a covered loss. Yet, in many (if not most) situations, it is impossible to be able to specify all damage, unless a preliminary partial disassembly of a damaged area of a car is made.

(2) It is in the best interests of a car owner, of their insurer, and of their repair shop, to get a damaged vehicle repaired as quickly as possible. Legitimate partial disassembly of a damaged vehicle in order to allow an accurate appraisal shortens cycle time, reducing the time for repair, reducing the cars owner's aggravation, reducing the cost of substitute transportation, and also reducing storage charges if a car is a total loss.

(3) The vehicle owner is the one who actually owns the car, not their insurer. I am unaware of anything in the Massachusetts auto policy or in any law that allows an insurer to

usurp the right of the owner to allow their repair shop to take the necessary steps to be able to write an accurate appraisal, including necessary partial disassembly. I respectfully suggest that it would be inappropriate for your Board to deny a car owner their right to direct what their repair shop should do.

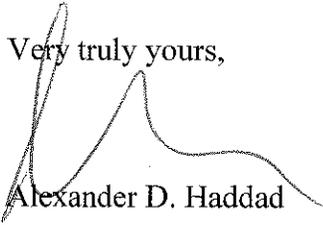
(4) Many, if not most insurers in Massachusetts already require repair shops to use their own discretion to partially disassemble vehicles, so that the insurer's appraiser can write a complete appraisal on their first visit to the shop, rather than wasting everyone's time and money having to make multiple trips back to the shop and having to consider multiple supplement requests.

(5) There just does not seem to be a legitimate reason to get an insurer's approval before it has seen a damaged vehicle, or to delay the process while a repair shop waits for an insurer's appraiser to come out and inspect a damaged vehicle, when a partial teardown is going to be necessary to be able properly assess damage. Before the insurance appraiser has seen the car, they have no way to know if teardown is appropriate. Waiting until the appraiser gets to the shop causes a delay in the process, and then the appraiser has to come back after he has approved a teardown. A licensed (and presumably experienced) repair shop appraiser should be able to make the determination on his own, with the approval of the car owner, whether partial disassembly is called for.

(6) If a shop abusively tears down vehicles that don't require it, or goes beyond what is necessary, there are already sufficient penalties in place to be able to punish such a shop and its appraiser. These include penalties for the appraiser as set out in your regulation, penalties assessed by the Attorney General under the AG's consumer protection regulations, penalties imposed by the Division of Standards regarding an abusing shop's repair shop registration, and consumer protection claims for multiple damages that can be made by a car owner who is aggrieved by an over zealous repair shop.

Again, I am not condoning repair shops that abuse the system. But, I ask you to please consider the adverse consequences, including unnecessary additional repair time and associated costs, of changing your regulation to require insurer approval before a registered repair shop and its licensed appraiser makes an educated and informed judgment whether tearing down a damaged vehicle is called for in any particular instance.

Very truly yours,



Alexander D. Haddad