



September 5, 2019

On Aug. 30, New Hampshire Insurance Commissioner John Elias penned a column expressing support for Gov. Chris Sununu's veto of House Bill 664, a bill drafted to protect consumers in post-collision auto body repairs. This bill would have amended the Unfair Insurance Practices Act to prohibit automobile insurance companies from "knowingly failing to pay" for auto body repairs conducted in accordance with the original manufacturer's repair instructions. Automobiles today are packed with new technology. To return a vehicle to pre-collision condition, automobiles need to be repaired by highly trained professionals, following automaker repair instructions.

Proper auto body repairs are a matter of safety. On Dec. 21, 2013, Matthew Seebachan, 33, and his wife Marcia were nearly killed when their 2010 Honda Fit was struck by another car on US 281 in Texas. What should have been an unremarkable vehicle crash turned into a life or death situation, when the structural integrity of their vehicle was compromised and the couple was trapped within the burning vehicle. In the court case that followed, it was found that the crashworthiness of their vehicle was diminished as the result of an earlier auto body repair that did not follow the proper repair procedures recommended by Honda. Instead of using 100 separate welds to reattach the roof panel, as documented by the manufacturer in the very type of procedure this bill addresses, the repair shop simply used a tube of adhesive, an unapproved method of repair. When the Seebachans' vehicle was struck, the now compromised vehicle collapsed around them in a manner inconsistent with how it would have reacted had the approved repair procedure been followed. Court documents indicate the couple was conscious while their bodies burned.


The Seebachans won their case against the auto body shop and the shop was ordered to pay \$31.5 million to the couple in damages. The key to the case, and something Commissioner Elias seems to ignore, was the sworn testimony from the auto body shop manager who explained the shop consciously did not follow the vehicle manufacturer's repair instructions because they believed they would not receive payment from the automobile insurance company for the more complicated repair. Because the shop bent to perceived pressures from the insurance company and used an unapproved repair procedure, the Seebachans will live the rest of their lives in pain from this accident.

Instead of recognizing the possibility that implied pressure and claims settlement practices from insurers could yield an unsafe vehicle repair, Commissioner Elias questions whether the bill passed by the legislature would actually improve safety, and suggests that the safe repair of a vehicle is not an issue in the state. As evidence, he points to the fact that his office has not received any consumer complaints on the topic. The commissioner seems to forget that the very purpose of government regulation is to protect consumers from such practices which they would not be well equipped to understand on their own. For most consumers, as long as their vehicle is returned with matching paint and body panels,

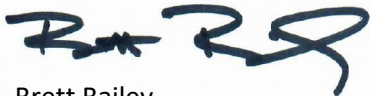
roughly aligned, they are satisfied. The repair procedures that impact occupant safety are largely obscured once a vehicle is reassembled. Should the Seebachans have carried the obligation to inspect their vehicle, and somehow divine that the use an adhesive to reattach the roof was an improper repair?

Commissioner Elias also asserted that requiring auto body shops to follow manufacturer instructions would increase insurance rates on consumers. Such a belief is an acknowledgement that repairs are not being conducted in accordance with automaker instructions today. If they were, there would be no reason for rates to change. The very reason consumers buy auto insurance is to make sure their vehicle is made whole if they are ever in an accident. We are aware of no insurance discounts offered in the state for policies that allow for corner-cutting repairs. As such, New Hampshire consumers should be guaranteed their vehicle will receive a safe and proper repair if their vehicle is ever in an accident, and to do so repairers need to follow automaker repair procedures every time.

Sincerely,



Bill Adams
President
Alliance of Automotive Service Providers



Brett Bailey
Chairman
Society of Collision Repair Specialists



Ray Fisher
President
Automotive Service Association