



May 7, 2020

ADALB Chairman Donovan and members of the Board,

On behalf of AASP-MA, I am requesting that the ADALB hold an additional emergency meeting in advance of your scheduled May 19th meeting date to discuss an advisory ruling to clarify and put an end to the practice of insurers who are refusing to pay for the procedure of pre and post application of disinfecting material and associated PPE equipment to vehicles in need of collision repair for the protection of the vehicle owner and collision repair facility.

AASP-MA also requests the ADALB to address the practice of insurers refusing to pay for the additional repair cost imposed upon the repair facility, when the insurer insists on the use of the “expedited supplement” procedure or the writing and photo documentation of the original estimate.

Regarding issue number one, 212 CMR 2.04 (e) states in part, *“The appraiser shall itemize the cost of all parts, labor, materials, and necessary procedures required to restore the vehicle to pre-accident condition and shall total such items.”* The additional procedures involved due to the ongoing threat from COVID-19 is necessary to the repair of all vehicles for the safety of the vehicle owner, technicians and repair facility. Many OEM have prepared protocols for the proper application and types of disinfecting and PPE materials. Failure to follow these protocols would require that a non-disinfected vehicle sit for a minimum for 3 days prior to repairs beginning and again for 3 days upon completion. The additional rental time, as well as storage charges are mitigated by the payment of proper disinfectant application procedures pre and post repair. Some insurers have been quoted as stating; “We do not pay to disinfect a vehicle for the regular flu, we don’t have to for COVID-19”.

With regards to issue number two, insurers are refusing to pay for the additional administrative costs they are imposing upon a repair facility by refusing to send either their own staff or independent appraisers for fear of the liability of their employees contraction the COVID-19 virus. They are misrepresenting to the shop owners that because it is stated in 212 CMR 2.04 (e), *“The registered repair shop must prepare an appraisal for the purpose of negotiation”* and 2.04 (h) *“The registered repair shop shall complete a supplemental appraisal prior to making the request”*, the shop can not charge for having prepared an estimate nor a supplement. Further, they refuse to pay, as part of the repair costs the additional expenses incurred for time to photo or video document, as well as upload the requested documentation to the insurer. AASP-MA has also received countless complaints of insurers simply redlining the prepared estimates or supplements without following the requirement to negotiate with the shop. Doing so only adds to the administrative costs and lengthening of the repair cycle time. Some insures have taken the cavalier approach of, “Just charge the vehicle owner’.

It is imperative that the ADALB take up these issues and others, which are associated with the new SOPs associated with the prevention of the spread of the COVID-19 virus.

We can not stress enough that these issues need to be addressed NOW by the ADALB in an “EMERGENCY” Advisory ruling fashion prior to May 19th.

The survival of vehicle owners, collision shops and their technicians are at risk.

Sincerely,



Evangelos “Lucky” Papageorg
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CC: Insurance Commissioner Anderson, Governor Baker, Lt Governor Polito, AG Healey, AASP-MA BOD