

# **AUTO COLLISION REPAIR LICENSING ADVISORY BOARD**

**May 25, 2011**

**Members present: Dave Reynolds, Chairman, Collision Repair Member**

**Tom Broderick, DBR**

**Dave Doucet, RISP, Law Enforcement Member**

**Dennis Gamba, Direct Repair Member**

**Dan Coleman, Glass Industry Member**

**Chris Hurd, New Car Dealer**

**Members Absent: Gerald Galleshaw, Public Member**

**Louis D'Quattro, Jr.- DBR, Deputy Director, Division of Regulatory Standards, Compliance and Enforcement.**

**Others Present: Jina Petrarca-Karampetsos, Providence Auto Body**

**Jaryd Coleman, Fournier & Coleman Auto Glass**

**Randy Bottella, Reliable Collision**

**Kimberly Precious, Implementation Aide**

**Evelyn Ferrara, Licensing Aide**

**Dave Reynolds: Called meeting to order at 10:44 A.M.**

**Could all Board members review minutes of April 27, 2011 minutes. I**

**make a Motion to pass minutes. Seconded: DD All in favor.**

## **OLD BUSINESS - Regulation 4.**

**If Board members and interested parties involved in the re-vamping of Regulation 4 could, within the next 10 days, forward any questions to the Chairman – Dave Reynolds or the Implementation Aide – Kim Precious and then the questions will be forwarded to Beth Dwyer. By the time we meet again at the next meeting we will have this Regulation resolved.**

**Dennis Gamba: We are going to attach a repair bill to the work certification?**

**DR: We keep all the parts necessary for repair in the file by statutory requirement anyway and they have to be available for inspection and kept for two years.**

**DG: Does the body shop have any responsibility for the consumer? The consumer on section 3 has a responsibility to fill out this form.**

**Jina Petrarca-Karampetsos: The process is just like it is today. The insurer has to generate the form.**

**DG: Some insurance companies don't do it. Some insurance companies hold back payment until you do it.**

**JPK: I did not know that was an issue. I am glad you raised it.**

**DR: You cannot hold back payment if the forms are not completed.**

**JPK: The form originally as it is today says you cannot withhold payment. But that was crossed out in the new version. If it is an issue maybe we should discuss putting it back in.**

**Randy Bottella: Yes, so it doesn't become an on going issue.**

**DG: My point is, I will do my part, but I will not be held liable if the consumer does not do their part.**

**JPK: It is not fully executed by the time we get it. I will put that in my list of suggestions. They probably thought it was not necessary but it is.**

**RB: I hate to misspeak if I am looking at the wrong draft, but I just learned this morning from Jina that we are not requiring the body shops to generate the form but are back to having the insurance companies doing it.**

**JPK: The only substantive change with that form now is it says you have to attach a repair bill.**

**DR: You cannot supersede the statute unless you go to the general assembly and re-vamp the law.**

**RB: We had an issue with the guys from DEM about EPA numbers and whether or not they issue certificates. Reg 4, Section 4, are we looking for a certificate or not?**

**DR: No.**

**Kimberly Precious: Just the number.**

**DR: Don't forget you are filling out this application under penalty of perjury. If that number does not coincide with something that is on record with the DEM somebody has a serious issue.**

**JPK: Currently they just write the number on the application and I guess that has been working. We have not had any false EPA number's showing up.**

**DR: The bottom line is if you need to make an inquiry you can call Bob at DEM and ask to check an EPA number on a random licensing application and he would do it?**

**KP: Yes. He would do it.**

**RB: Let's leave it a number rather than complicate the issue if it is not a problem.**

**DG: If you have to check compliance down the road, just ask them for a manifest sheet.**

**RB: Yes, if they have a manifest sheet it shows that they legally disposed of hazardous waste.**

**DG: And you have to have an EPA number to do it.**

**DR: Any other questions on Regulation 4? If there are any questions for Beth Dwyer on anything we are doing just e-mail those question to me within the next 10 days and I am going to get them over to Beth and set up some appointment with her and go over them really quick. That way the board will have all their questions answered for the next meeting and we are going to be done with this.**

**JPK: I had an issue just came up. Does anyone have any idea why seats are excluded from under the definition of motor vehicle body, it says any portions of the Vehicle mounted on the chassis or frame or unibody, including fenders, bumpers, windshields, glass and similar components excluding as distinguished from, seats, motor, transmissions, air conditioning condensers. Can you enlighten me?**

**RB: When Jeanne McCarthy was here I inquired about the upholsterers. They also have some upholstery people and it came up that they did not want them to have to have body shop licenses in order to do upholstery work on automobiles.**

**JPK:** Right but excluding it from auto body work? I'll explain to you what came up. The customer left the sun-roof up and it got rained on. And so the carpets had to be taken. Often in the course of our repairs, we have to take the seats out and put them back in. The Insurance Company tried to sublet the repair out to a non-licensed upholsterer. I had to get involved and it was resolved amicably but that could have been a major issue.

**DR:** Even if you have to repair the side of a vehicle you have to take the seats out.

**RB:** A great majority of seats have air bags or other safety features such as retractable seats so in my discussion with Jeanne she had said that anything having to do with the safety aspect of it does get covered under the auto body part of it.

**JPK:** So that is an interpretation of the word seat. I thought it might be something new that we may need to address. I do not think it comes up often.

**DR:** Something like that we may have to address.

**RB:** It is also listed in other regulations on the insurance side because at the last hearing that we had on this the insurance industry did not want to change this because it was mirrored on this side.

**This definitely needs to be addressed and it has to be addressed in both regulations because it is in both regulations. I suggest changing the word seats, and use the word upholstery.**

**JPK: That is what it should be, because if there is a rip in the seat most shops sub it out anyway.**

**RB: That is upholstery work.**

**JPK: I am going to put some feelers out to some insurers and see if there is anything we can agree on.**

**KP: Is that definition in the law to?**

**JPK: I don't think that seats are in the law. I will double-check it, because if it is, I have to address it somewhere else.**

**DG: Now that you got me on this topic, another word that comes up all the time is "propulsion"**

**JPK: Well maybe it is something we need to address as legislation.**

**DG: The seats do not fall under the 30-month rule. Just like, when new cars that get flooded and they are looking to replace a 2010 motor with used motor.**

**DR: You can't**

**DG: Its excluded.**

**DR: LKQ. It would have to be the same motor. The same number of years. The same number of miles.**

**DG: They are out there. With LKQ in the rule now they are searching from Maine to Texas. Somewhere there is going to be a motor.**

**JPK: Well, we should probably have a discussion about making this definition statutorily more in-line with modern day.**

**DR: We have to present that portion to the legislature. We have to express times have changed.**

**JPK: At this point I do not know if seats are in the statue. It probably is a statutory discussion.**

**RB: It is.**

**DR: It is 5-38-1.**

**JPK: Does that apply to cutting a hole for putting a sunroof in?**

**DR: Absolutely. When you cut a hole in a car that was not equipped**

**from the factory and put a sunroof in you compromise the integrity of the steel.**

**RB: David you just hit on something.**

**DR: That is bodywork.**

**RB: It is an accessory in some issue that would fall under the licensing jurisdiction of DBR.**

**DG: Once we get done with Reg 4 we have to re-visit.**

**DR: Somewhere down the road someone has to be certified as to what we can or can't do to a vehicle.**

**DG: PDR- These guys are not licensed. The fact of the matter is, they are now going into panels that have safety related features in them. That changes the game.**

**DR: Any new business?**

**Dcan Coleman: My term is expired; I have been serving until they find somebody. My son Jaryd is willing to take over.**

**DR: Can we check on the status of that with the state? We are going to be short a few board members and I think it is going to be**

**important that we replace them.**

**DR: Motion to adjourn at 11:35 A.M. Seconded: DC All in Favor.**