



New York State Auto Collision Technician's Association, Inc.

P.O. Box 482
Centereach, NY 11720

VIA E-MAIL

July 10, 2017

Elizabeth Anderson
Principal Insurance Examiner
New York State Department of Financial Services
Property Bureau, 6th Floor
1 State Street
New York, New York 10004-1511

Re: New York State Auto Collision Technicians Association//Observations and
Concerns

Dear Ms. Anderson:

On behalf of the New York State Auto Collision Technicians Association (NYSACTA), I appreciate the time you have taken to begin to address our concerns through our recent telephone conversations. As I shared with you, NYSACTA is very alarmed at what can only be described as a flagrant disregard of regulations by certain insurers around field inspections.

We have received many complaints from repair shops that certain insurers are refusing to conduct personal inspections of vehicles when requested by either the insured or the repair shop holding the vehicle, as required by Regulation 64 (Insurance Law §216.7(b)(3)). Compounding that violation, these same insurers are sending "photographers" to pictorially assess the damage to the vehicle. While we appreciate insurance company "apps" may play a role in expediting the inspection/estimate/repair process, we have grave concerns about "photo" inspections in general, and believe engaging an insurer photographer clearly violates the regulations which require the "person inspecting the damaged vehicle...be licensed..."

In many cases, "first call" center personnel who may not be familiar with New York regulations are telling consumers that if the car is drivable, (a risky assumption at best by a consumer who most likely has no experience evaluating collision damage) they refuse to send out an adjuster and require the consumer to take a photo and send it in for an estimate to be prepared.

Either no inspection is being conducted - - in violation of the regulation; or the inspection is being conducted by an unauthorized individual - - another violation of the regulation.

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These false and misleading inspections are generating false and misleading estimates, which require re-inspections/re-estimates and unnecessarily delay the repair of the vehicle. These unwarranted delays do a grave disservice to the consumer, and threaten violation of those sections of Regulation 64 which set out specific time periods within which the insurers must act to assure prompt, fair and equitable settlement of a damage claim.

Simply stated, we are concerned that certain insurers are in wholesale violation of the provisions of Regulation 64, and we have compiled countless complaints which we would be happy to share with you.

Clearly, the Department's involvement in this matter is urgent and a full investigation into these charges is undoubtedly warranted.

We are available at your convenience to better frame that inquiry, based on the complaints we can forward to your attention.

The flagrant disregard for consumer protections cannot be allowed to continue.

Very truly yours,

Ed Kizenberger
Executive Director