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The Politics of Collision Repair Information

A wake-up call for anyone who thinks OEM position statements are just “opinions.”

Over the past 20-plus years in the collision repair and accident investigation fields, we have attended countless training and continuing-education courses on accident reconstruction, fire investigation, electronic data recorders (black boxes), engineering, mathematics, general collision repair (I-CAR), etc. In the past eight to 10 years, we've attended just as many OEM-specific training courses. All of these courses offered something that was directly or indirectly beneficial to our careers. Additionally, there have always been some common denominators to these courses: Every attendee received the same information (and the same explanation of that information) and had the opportunity to discuss differences of opinion regarding the subject at hand. As with any training course, some retained and understood this training better than others, but the textbooks, student handouts and documentation provided in the courses were always there to provide evidentiary proof if there was a difference of opinion.

Unfortunately, there seems to be an ongoing difference of opinion over the past few years regarding the importance of OEM position statements and repair procedures and protocols. Specifically, the debate revolves around who wrote these standards, and how these documents are interpreted within the collision repair and insurance industries. The validity and importance of OEM procedures and protocols have often been questioned, and this article is intended to address these issues of validity and importance.

Motor vehicle technology is continually advancing and changing, especially in areas of vehicle construction. Like any industry professionals involved with advancing and changing technology,



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every collision repairer should pace these changes. To do so, the “modern” repairer must obtain and/or possess the following:

- Current and continuing education and training on vehicle construction, technology and repair procedures
- Modern, up-to-date equipment (resistance welders, electronic measuring and/or fixture measuring, riveting equipment, etc.), and proper training on each piece of equipment
- Access to (and the ability to properly utilize) OEM repair information, procedures and protocols for each and every repair

It is our position that, without the above, no repair facility can make a significant, proper repair to a late-model vehicle.

OEM repair information is probably the most important item of them all, as OEM documentation explains each procedural step and the equipment and materials required to perform those repairs. Over the past few years, many OEMs have published very specific opinions about what type of repair equipment and replacement components may be used on their vehicles. These opinions are commonly known as “position statements.” The following is a discussion of some of the things addressed in those statements.

Every single OEM with position statements has one about prohibiting the use of aftermarket and/or used replacement components, and one for the repairing of wheels. The use of aftermarket components and the subsequent effect on crash management, airbag timing and/or the overall safety of the occupants in a subsequent collision event has been brought into question. Many of the

aftermarket components do not possess the same fit and finish as OEM; some are not made from the same substrate or even have the same strength as the comparable OEM component. Use of "used" components has a different set of issues. Although used components were originally produced by the OEM, these components may have been altered by either the collision, disassembly and/or how it was stored.

If the OEM does not have a position statement regarding the use of used components, some used bolt-on components may be a viable option. However, it is our opinion that *weld-on* components should never be re-used. Safety items such as airbags and some computer modules should never be re-used. Repair facilities should be cautious of using used radiators, as they may compromise the cooling system efficiency and may cause engine damage. Used suspension components should never be used, as the failure of one of those components could be disastrous and put the occupants in that vehicle (and the general driving public) at risk.

All OEMs with position statements have one that prohibits repairing wheels, whether alloy or steel. All repair facilities should adhere to this, as all of these statements basically say the same thing: No bending, welding, straightening, adding material to or removing material from wheels. Most only allow sanding and buffing, and some allow refinishing of the wheels. A repaired wheel that fails could cause a catastrophic event.

Some OEMs have very specific equipment requirements for structural repair. For example, Mercedes-Benz only allows Celette or Car Bench, while Audi only allows Celette, Car Bench or Car-O-Liner. If those vehicles are repaired on any other type of structural repair equipment, it is considered an improper repair regardless of what you or the insurance company thinks.

Some other position statements cover composite component repair, wiring harness repair and aluminum parts restrictions. Although these documents are in black and white and appear to be pretty clear in their meaning, many people in the collision repair industry take the position that these statements are *not* important. In many I-CAR classes, instructors explain OEM position statements and repair procedures to attendees. In the majority of those classes, these audiences are comprised of both insurance personnel and collision repair professionals, with the instructors coming from either of those fields. I-CAR classes allow some

personalization by the instructor, but there is no room for debate or alternate interpretation when I-CAR offers OEM documentation as examples.

You may ask how the attendees can interpret the same information in different ways, even if the material is presented in the same way to everyone. This is the basis of our discussion; many people assume that the OEM repair procedures and position statements are just suggestions and open to interpretation. This is *incorrect*, and we caution repairers that OEM position statements could greatly influence the outcome of a legal dispute.

For example, we've noted above that most OEMs have position statements prohibiting the bending, heating, plating and welding of rims, as well as adding or removing materials from these rims. This is for good reason, as the structural integrity of the rim may be altered by the above processes and could lead to a catastrophic failure of the rim and/or a wheel separation. In a 2011 case in California, a dealer, technician and wheel company were charged with gross negligence for selling a Nissan 350Z with factory rims that were chromed by an aftermarket company. Soon after leaving the lot, a wheel separation occurred – causing it to hit a police motorcycle on the other side of the highway. Two of the main documents used in the case by the plaintiffs were the NHTSA Action Number EA07005 (2008) and the Nissan Motor Corp. Service Bulletin WT92-003b/NTB92-123b (published in December, 1992). The damages awarded came to \$2.75 million.

According to the 1992 Nissan Bulletin, the chroming process removes the original paint coating by "burning" or "chemical" methods, both of which may cause the heat treatment of the alloy to be changed. The application of chrome plating has to be controlled correctly, as the alloy can be harmed by a poorly-controlled process. Overall, aftermarket chroming may degrade durability and long-term appearance, and may affect safety and performance of the wheels. Accordingly, Nissan recommends that original equipment wheels *not* be chrome-plated.

You, as the repairer, are the one responsible for the repair of the vehicle – *not* the insurer, and certainly not the consumer. Having and utilizing OEM position statements can help you if repair-related issues arise after the vehicle is returned to service. If you do not have position statements, please feel free to email us

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and we will send them to you.

Many times, we hear complaints from collision repairers that some insurance adjusters will not pay for "this" or "that," even though the repairer was taught to do those very things in a recent I-CAR class and/or the adjuster was *the instructor* and is *still* refusing to pay for something. Please remember that I-CAR only trains people; it does not certify or police the collision repair industry. Additionally, I-CAR cannot overrule what the adjuster's employer allows him or her to pay for. So what is a shop owner to do? Well, here are a few things:

- Always have the proper documentation from the OEM and, in some cases, the information provided to you in the I-CAR class that pertains to that issue.
- Try to negotiate without emotion and with the support of the OEM through position statements and documentation. Appeal to the adjuster's supervisor if necessary.
- Contact your state governing body (e.g., the Department of Insurance).
- Seek remedies in another venue (Court) by suing the consumer or using an Assignment of Proceeds.
- Repair the vehicle the way you believe (or better yet, can prove) is the best way for the customer. The economics of the job cannot outweigh the post-repair safety of the vehicle. Remember, *you* are fully responsible for how the repairs were attempted, what methodologies were utilized and what components were used. You

cannot defend yourself in a court of law by saying, "That's all they paid me for, so that is how I repaired it."

Please remember that the repair information and processes provided in I-CAR classes can be general in some cases, but very specific in others. I-CAR does not make up the things they teach; I-CAR spends a lot of time researching and discussing the material provided in their programs with the OEMs. Both insurers and collision repair professionals must adhere to the information provided in I-CAR classes, as much of the information is provided and/or approved by the OEM. Those OEMs that do not utilize I-CAR for delivery of their information (such as BMW, Mercedes-Benz, Porsche, Toyota, etc.) instead provide it on their repair websites. Remember that OEM repair information is the standard – not someone's opinion or an assumption based strictly on what everyone else is doing.

Take, for example, a vehicle that is close to being a total loss. If you have to replace a unirail, the car will total; if you section it, the car will *not* total. You and the insurance adjuster look at the estimating database and see there is no option for sectioning. You also check with the OEM, and they do not have a procedure. In this situation, we would suggest totaling the car to protect not only your liability, but the well-being of the vehicle owner.

The position statements are not just opinions; they are derived from the engineering analysis of damaged vehicles. The OEM knows the design and construction of their vehicles better than anyone. This is why the OEM (rightfully) sets the standards for their vehicles. Remember, just because GM allows something does not mean that

Nissan or BMW will, and vice versa.

We hope this article has helped the industry to better understand the importance of collision repair information and documentation, and who actually sets the standard. Feel free to contact us if you have any questions.



Executive Director's Thoughts

This is hitting the nail on the head. No deviation from OEM recommendation is worth the liability you take on. And liability is usually the SAFETY of the customer. There should never be negotiation over any procedure involving a component that could make the vehicle potentially unsafe. Never.

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