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# CALL KELLY: ADVOCATING FOR TEXAS CONSUMERS ONE COMPLAINT AT A TIME

An insurer writes an initial estimate for \$957.31, but the shop inspects the vehicle and prepares a repair plan based on proper repair procedures for \$18,037.85. After a “negotiation,” the adjuster ultimately cuts the shop a check for \$7,655.85, leaving an **unpaid balance of \$10,382**, an amount for which the vehicle owner is now responsible, due to their carrier under-indemnifying their loss. What’s the typical consumer to do?!

According to the Texas Department of Insurance (TDI), consumers can “talk to the insurance company” (HA!), “ask for an appraisal” (if that insurer allows it; more about the fight for mandatory Right to Appraisal on page 14), “file a complaint with us” or “get legal help.”

To demonstrate the prevalence of this problem, ABAT initiated a complaint drive in 2021, setting out to collect 1,000 consumer complaints and file them with TDI. Executive Director Jill Tuggle even participated in a training session with TDI to ensure the complaints were being filed properly before submitting hundreds of complaints on behalf of Texas consumers, who had all signed a release; however, the association hit a snag when TDI changed the rules, altering the complainant’s name to “ABAT” and closing each complaint without an investigation!

Enter Kelly Taft of consumer advocacy group, Texas Watch! Under the rebranded “Call Kelly” initiative, ABAT is once again collecting consumer complaints to bring them to the TDI’s attention...and to use as ammo in the upcoming legislative battle. After spending the past couple months on call after call with under-indemnified vehicle owners, Taft shared an update on the initiative and some of the lessons learned so far.

### **Texas Automotive: How’s the “Call Kelly” consumer complaint drive progressing?**

**Kelly Taft:** We are working hard to reach out to people each day to make sure their voices are heard. As you know, Jill did an exceptional job helping to gather and submit over 250 complaints to TDI. Unfortunately, all of these complaints were switched internally at TDI to look like they were coming from Jill instead of the consumer themselves. Right now, we are calling folks whose complaints were submitted, encouraging them to resubmit if necessary or just following up to see what happened on the consumers’ end of the complaint.

One person told me that she received a call several months back, she thinks from TDI, regarding her complaint. She had to pay \$2,000 out of pocket to fix her car, and the person on the other line told her that they would try to get her reimbursed for that money. She never heard back from them, and she was thrilled when I called, as she was wondering where the complaint went. We have several people willing to share their stories with lawmakers, but we need more! Lawmakers hear from insurance lobbyists all the time, and it is so important that they hear from their constituents, so they know the impact of these insurance schemes on Texas families.

We know that insurance companies are still low-balling offers, so we encourage shops to direct their clients to us so that we can document their experience through our online form, available at [texaswatch.org/appraisal-form](https://texaswatch.org/appraisal-form).

### **TXA: Why is it important to get these complaints in, and how are they going to benefit shops that help submit them?**

**KT:** Getting the complaints to Texas Watch is essential because we need a comprehensive data set to take to the Texas Legislature. Lawmakers need the facts, so they can set the right policy for the state. We are specifically looking for the dollar amount that insurance companies are under-indemnifying consumers by and how much appraisal increases the payment from insurance companies so shops can safely repair cars according to the OEM standards. Additionally, we need clients willing to share their stories with the local news or lawmakers. We hope lawmakers will pass legislation this session to make fair appraisal mandatory in all auto policies. If it passes, shops will have the resources to repair vehicles safely. Families will be protected on our roads. We still want clients to submit complaints to TDI, but since the legislative session is about to start, our focus now is to get as much information as possible to lawmakers.

### **TXA: Since you’ve joined this fight, what have you learned about the collision repair industry and this situation?**

**KT:** I have learned so much about the collision repair industry through working with our friends at ABAT! The repair professionals we talk to are incredibly kind and hard-working. They do the job the right way and take great pride in their work. I have learned about the various types of insurance, such as comprehensive versus collision coverage.

In the past decade, technology has made cars much safer, but they are also more complicated. Now, we have more than airbags and seatbelts to protect passengers. Sensors, backup cameras and 360-degree cameras make vehicles safer; however, when cars are involved in collisions, these necessary safety features become damaged, increasing the complexity and cost of repairing the cars. When I talk to consumers who have a brand-new or a one-to-three-year-old vehicle, they are livid that insurance companies want to put an aftermarket part on their car that usually does not fit. Not only does this affect the car’s depreciation, but it can also impact the vehicle’s overall safety.

### **TXA: What have you learned that the average consumer doesn’t know (but should)?**

**KT:** After going through hundreds of complaints, the average consumer needs to know that some insurance companies are better than others. When consumers are being given the runaround,

they should not hesitate to make their voices heard and enforce their rights. Always ask yourself: Is that insurance company more interested in spending money on advertising during the Super Bowl or paying documented claims? When shopping for auto insurance, check [helpinsure.com](http://helpinsure.com). This site shows how insurance companies stack up against each other regarding consumer complaints.

Additionally, the Right to Appraisal is essential for consumers trying to get their vehicle safely fixed after a crash. I tell all my friends to check their policies to see if they have the right to a fair appraisal. If they do not, I recommend switching carriers immediately. If insurance companies eliminate the Appraisal Clause in policies, many hardworking families will be unable to afford the cost to repair when the insurance company low-balls their claim. That is why we are trying to fight for this right in all auto policies in Texas!

**TXA: What do shops actually have to do to help out?**

**KT:** We need information on how much insurance companies are under indemnifying consumers and how a fair appraisal helps consumers get their vehicles fixed safely. We are also looking for consumers who want to submit a complaint or who would like to share their stories with us. Shops can get in touch with us to share their data or have their clients take three or four minutes to fill out this short form to connect: [texaswatch.org/appraisal-form](http://texaswatch.org/appraisal-form).

We need everyone's help on this to make a difference at the Texas Capitol. Now is the time to get in the fight. If you have

customers who have been low-balled by their insurance company, please connect them with us immediately! Email me at [ktaft@texaswatch.org](mailto:ktaft@texaswatch.org) or call me at (512) 381-1111 ext. 4. I am here to help! If you have data on insurance companies under-indemnifying claims, please get in touch with me **right now!** Additionally, please share our petition with each of your customers, friends and family to make fair appraisal mandatory in Texas: [texaswatch.org/fair-appraisal](http://texaswatch.org/fair-appraisal). Make sure your staff knows about our website and takes the time to direct people there.

Insurance lobbyists are crawling all over the Texas Capitol. It's time for lawmakers to hear from the good folks who sent them to Austin! **TXA**

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