# AUTO CLAIM SPECIALISTS

"Fair settlements come from knowledge and negotiation."

# Introduction



- One of the most puzzling and unmanageable facets of a Total Loss Claim are the various and shifting total loss processes of the insurance carriers.
- The key defense insurance policyholders have to protect their contractual right of indemnification is the appraisal clause in their policy.
- Utilizing the appraisal clause, policyholders can obtain fair settlement of their auto claims, and in the process help auto manufacturers, lenders, GAP providers and body shops.

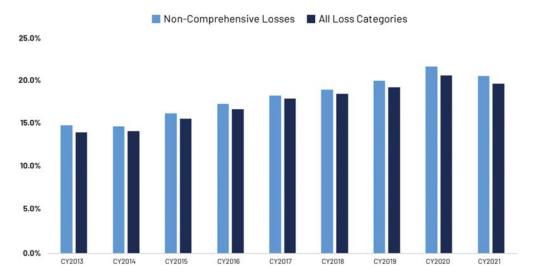


13 Million Collision Claims Made in an Average Year in US\*

About 20% (2.6M) of those claims are deemed a Total Loss

#### Figure 43 / Percent of Vehicle Appraisals Flagged Total Loss CY2013-CY2021

SOURCE: CCC INTELLIGENT SOLUTIONS INC.



One of the most unmanageable facets of a Total Loss Claim are the various and shifting total loss processes.



February 11,2022, Appraisal experts share why consumers may want to

challenge vehicle valuations

\*220M insured vehicles, 5.9% collision claim frequency per Bankrate Auto Statistics



# <u>Outline</u>

- Who is Impacted by Improper Loss Valuations?
- What Constitutes a Total Loss?
- Impact of Incorrect Valuations on Body shops
- Our Results from Invoking the Appraisal Clause in Total Loss Valuation Disputes
- Typical Problems Found in Market Valuation Reports and Final Actual Cash Value (ACV) vs Computed Market Values

   Three Examples
- Our Results from Invoking the Appraisal Clause in Repair Cost Disputes
- Introduction to the Appraisal Clause
- Appraisal Process Overview
- Our Position on Mandatory Appraisal Rights



## **Policy Holders**

- Auto owners purchase insurance in order to be fully indemnified should they suffer an accidental loss. Indemnification means placing an insured in the same financial position following a covered loss event that they were in prior to the event.
- Erroneous loss settlement disbursements obviously imply underindemnification. Some common outcomes from under-indemnification include:
  - Deficit loan balance liability
  - Lack of equity for replacing loss vehicle
  - Negative credit score impact
  - Major frustration and wasted time seeking remedy from carrier.



# **Auto Body Shops**

- Auto body shops are routinely placed in the position of having to write off losses due to erroneous low repair cost settlements or sacrifice on the quality of their work. Unfortunately, there are insurance industry preferred body shops who have the business model of choosing the latter.
- Erroneous low valuations often result in vehicles being totaled that could have been economically and safely repaired. This pervasive insurance industry practice drains rightful business from body shops.



## **Auto Manufacturers**

- Low valuations generated from algorithms used by insurance carriers' chosen Market Valuation firms reflect poorly on the manufacturers and their brands.
- Customers assuming the erroneous "market valuations" are true Actual Cash Values blame the "rapid depreciation" on the brand, and are then much more likely to switch brands.
- Manufacturers suffering from this unjustified decline in brand loyalty have to date had no workable solution to this major industry issue.



## Lenders

- Erroneous low settlement payouts by primary insurers typically result in negative loan balances after all other obligations have been settled, even when borrowers have purchased GAP Addendums.
- Lenders often end up having to write off these negative balances as charge off expenses.





## **GAP Providers**

- GAP Providers are expected to pay the difference between the primary insurance settlement payout and the loan balance as of the date of loss.
- Erroneous low settlement payouts by the primary carriers result in larger than fair GAP obligations.
- GAP Providers have some, but limited means to protect themselves from this major industry problem.

What Constitutes a Total Loss?         Total Loss Thresholds / Formula							
State T	hreshold	State	Threshold	State	Threshold	State	Threshold
Alabama	75%	Kentucky	75%	North Carolina	75%	Wisconsin	70%
Alaska	TLF	Louisiana	75%	North Dakota	75%	Wyoming	75%
Arizona	TLF	Maine	TLF	Ohio	TLF		
Arkansas	70%	Maryland	75%	Oklahoma	60%		
California	TLF	Massachusetts	TLF	Oregon	80%	*77 -+-+	
Colorado	100%	Michigan	75%	Pennsylvania	TLF	have specifi	(TLF) do not ic threshold
Connecticut	TLF	Minnesota	70%	Rhode Island	TLF	but instead	use a total
Delaware	TLF	Mississippi	TLF	South Carolina	75%	loss formula the cost of	(TLF) where
Florida	80%	Missouri	80%	South Dakota	TLF	added to t	•
Georgia	TLF	Montana	TLF	Tennessee	75%	value, and if	that equals
Hawaii	TLF	Nebraska	75%	Texas	100%		e actual cash
Idaho	TLF	Nevada	65%	Utah	TLF	value of the v be to	•
Illinois	TLF	New Hampshire	75%	Vermont	TLF		
Indiana	70%	New Jersey	TLF	Virginia	75%		110
Iowa	50%	New Mexico	TLF	Washington	TLF	AUTO CLAI	M SPECIALISTS
Kansas	75%	New York	75%	West Virginia	75%	6	e: Carlnsurance.com

# What Constitutes a Total Loss?



#### State Total Loss Criteria Summary

Total Loss Formula	22 States	
Total Loss Threshold	28 States	
100% Threshold	2 States	( <mark>TX</mark> , CO)
80% Threshold	3 States	
75% Threshold	16 States	
70% Threshold	4 States	
<70% Threshold	3 States	(Min 50% - IA)

# Impact of Incorrect Valuations on Bodyshops



29,677,668	Texas population	2020 Projection, Texas Demographic Center
797	Vehicles per 1000 people	US Census, US Dept of Transportation, Office of Highway Policy Information 2015 Statistics
.0575	Typical auto accident frequency per year per 100 vehicles (collision - physical damage only – excludes liability claims)	Verisk Analytics, "Claims Frequency, Severity: What's Behind the Rise?"
50%	% of claims wrongfully categorized as total loss	Vehicle Value Experts Database
49%	% of customers who want their totaled car fixed if given the choice	Vehicle Value Experts Database
2,158	Number of auto body establishments in the State of Texas	US Census, 2019
\$4,025	Average Gross Profit per Total Loss Repair	ACS Survey of Body Shops

# Impact of Incorrect Valuations on Bodyshops



	Age	% Claims	% Claims Flagged Total Loss	% Total Loss Claims
	Current-3	25.5%	7.5%	1.91%
	4-6	17.3%	12.5%	2.16%
	7-9	18.8%	19.5%	3.67%
	10-15	20.7%	32.5%	6.73%
	>15	11.6%	25%	2.90%
TOTAL				<mark>17.4%</mark>

CCC, "What's Driving Total Loss Frequency" (Q4 '14 – Q3 '15)



# Impact of Incorrect Valuations on Bodyshops

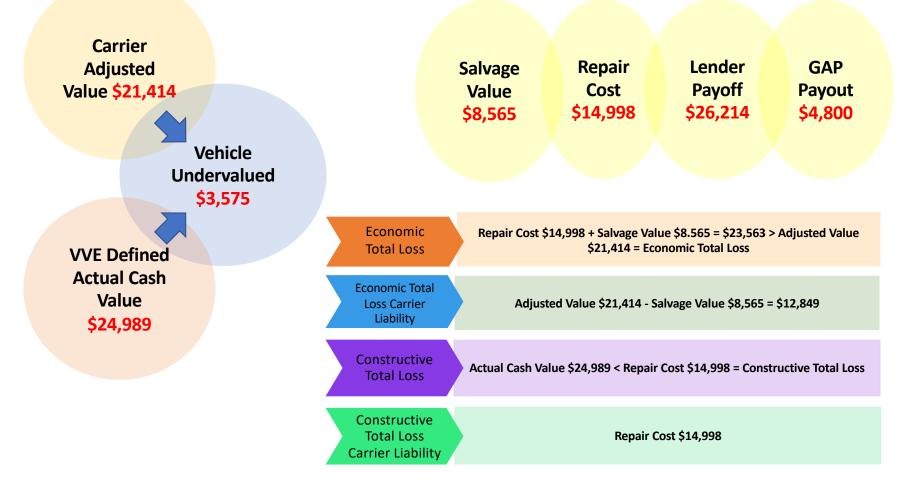


Doing the math:			
29,677,668 * 797/1000	=	23,653,100	Number of vehicles in Texas
23,653,100 * .0575	=	1,360,053	<pre># of annual accidents in TX with Collision/Physical Damage claims</pre>
1,360,053 * .174	=	236,649	<pre># of annual total loss Collision/ Physical Damage claims</pre>
236,649 * .50	=	118,325	<pre># of cars that could be fixed instead of totaled</pre>
118,325 * .49	=	57,979	<pre># of cars that could be fixed and that the owners want fixed</pre>
57,979/2,158	=	26.9	# of cars that could be fixed and that the owners want fixed per body shop in Texas
26.9 * \$4,025	=	<mark>\$108,273</mark>	Average Annual Missed Profit per Body Shop

#### What Constitutes a Total Loss?

#### ECONOMIC VS CONSTRUCTIVE TOTAL LOSS





# Our Results From Invoking the Appraisal Clause in Repair Cost Disputes



#### **Final Negotiated Repair Settlement vs Carrier's Offered Plan**

Carrier	# Claims	Average Carrier Repair Estimate	Final Appraised Repair Estimate	Average Difference	Average % Difference
Allstate	4	\$5,652.74	\$10,090.79	\$4,438.06	78.51%
GEICO	10	\$3 <i>,</i> 885.59	\$6,890.10	\$3,004.51	77.32%
Liberty Mutual	8	\$7,174.24	\$14,433.74	\$7,259.50	101.19%
Progressive	9	\$5,618.60	\$10,160.04	\$4,541.45	80.83%
Travelers	2	\$4,406.30	\$8,925.82	\$4,519.53	102.57%
Others	<u>13</u>	\$7,205.83	\$14,020.27	\$6,814.44	94.57%
Total	46	\$5,911.23	\$11,223.69	\$5,312.46	89.87%
	Nov 17 0		. ,		



May 17, 2021, Appraisal clause outcome

Appraisal clause outcome data finds auto insurers Underestimating repair cost by thousands.

# Our Results From Invoking the Appraisal Clause



#### **Settled Appraised ACV vs Carrier's Market Valuation Report**

Age	% of Claims	Average Carrier's Offer	Average Settlement	Average \$ Difference	Average % Difference	Maximum \$ Difference
All	100%	\$18,292	\$21,963	\$3,672	27.6%	\$51,000
0-2	26.0%	\$26,200	\$30,134	\$3,933	16.6%	\$32,674
3-5	31.1%	\$21,113	\$24,919	\$3,805	19.7%	\$27,039
6-8	19.4%	\$14,345	\$17,601	\$3,255	28.9%	\$11,719
9-11	11.0%	\$10,396	\$13,640	\$3,244	35.7%	\$18,984
12-14	7.1%	\$9,032	\$12,398	\$3,366	47.9%	\$9,262
>14	5.4%	\$6,345	\$10,754	\$4,409	78.3%	\$51,000



July 5, 2021, Negotiator: Initial total loss ACV's coming in low, might cost consumers, shops chance to repair.

# Our Results From Invoking the Appraisal Clause



#### Average Negotiated Settlement Increase by Market Valuation Report Provider





 This 2017 Dodge Ram 150/1500 Express suffered a severe rear end impact when someone backed into the truck.





#### Solero Audatex

#### Autosource Market-Driven Valuation™

State Farm Insurance is dedicated to delivering exceptional service to you in reference to your claim 53-21J0-72K01 from loss date 06/23/2021 on a 2017 Dodge Ram 150/1500 Express 2WD 4D Extra Short Bed Crew Cab. State Farm Insurance has selected Audatex, an independent vehicle valuation company, to prepare a comprehensive vehicle valuation for your vehicle. This valuation report was prepared specifically for your vehicle and represents a fair and accurate value driven by the retail used vehicle market.

#### Market Value \$27,417



 The Market Value was estimated to be \$27,417 as of the date of loss.





# RAM 1500 EXPRESS CREW CAB 4X2

THIS VEHICLE IS MANUFACTURED TO MEET SPECIFIC UNITED STATES REQUIREMENTS. THIS VEHICLE IS NOT MANUFACTURED FOR SALE OR REGISTRATION OUTSIDE OF THE UNITED STATES.

MANUFACTURER'S SUGGESTED RETAIL PRICE OF THIS MODEL INCLUDING DEALER PREPARATION Base Price: \$32,895 RAM 1500 ST CREW CAB 4X2 Exterior Color: Brilliant Black Crystal Pearl Coat Exterior Paint Interior Color: Black / Diesel Gray Interior Colors Interior: Cloth 40 / 20 / 40 Bench Seat Engine: 5.7-Liter V8 HEMI® MDS VVT Engine Transmission: 8-Speed Automatic 8HP70 Transmission OPTIONAL EQUIPMENT (May Replace Standard Equipment) Express Package 26J \$1,900 17-Inch x 7.0-Inch Aluminum Wheels Fog Lamps Dual Rear Exhaust with Bright Tips Body-Color Front Fascia Body-Color Rear Bumper **Carpet Floor Covering** Front and Rear Floor Mats Delete Spray-In Bedliner Delete Class IV Receiver Hitch Black RAM 1500 Express Group \$2.995

	-
P275/60R20 BSW All Season Tires	
Black Painted Honeycomb Grilte	
Black Headlamp Bezels 20-Inch x 8.0-Inch Semi-Gloss Black Aluminum Wheels	
Black "Ram's Head" Tailgate Badge	
Uconnect® 5.0	
5.0-Inch Touchscreen Display	
Integrated Voice Command with Bluetooth®	
Temperature and Compass Gauge	
Overhead Console	
Popular Equipment Group	
Cloth 40 / 20 / 40 Bench Seat	
Remote Keyless Entry with All-Secure	
SiriusXM® Sat Radio w/ 1-Yr Radio Subscription	
For More Information, Call 800-643-2112 Flat Black "Ram 1500" Badge	
8-Speed Automatic 8HP70 Transmission	\$500
5.7 Liter V8 HEMI® MDS VVT Engine	\$1,250
Black Tubular Side Steps	\$425
32-Gallon Fuel Tank	\$355
Ram Box Cargo Management System	\$1,295
4 Adjustable Cargo Tie-Down Hooks	
Bed Cargo Divider / Extender	
LED Bed Lighting	
DESTINATION CHARGE	\$1,320
TOTAL PRICE: * \$42,935	
TUTAL PRICE. \$42,535	

 The Truck's MSRP with all options was \$42,935.

#### **Comparable Vehicle Details**

The following information provides the details for the vehicles used to calculate the Autosource Value. The selling price may be substantially less than the asking price. Where indicated, the asking price has been adjusted to account for typical negotiation according to each comparables price.

2 2017 Dodge Ram 150/1500 Express 2WD 4D Extra Short Bed Crew Cab

Stock# P2123A. 45909 Miles. 8 Cylinder 5.7 HEMI Engine, 8-Speed Automatic, 3.21 Axle Ratio, Black Ram 1500 Express, Popular Equipment Group, UConnect 5.0, 20 Inch Alloy Wheels, Auxiliary Audio Input, Anti-Lock Brakes, Air Conditioning, Active Grille Shutter, Cruise Control, Cargo Lamp, Carpeting, Dual Airbags, Driver Information Sys, Electronic Control Susp, Elect. Stability Control, Electric Steering, Floor Mats, AM/FM Stereo, Fog Lights, Full Size Spare Tire, Head Airbags, Halogen Headlights, Intermittent Wipers, Keyless Entry System, Overhead Console, Pwr Accessory Outlet(s), Power Brakes, Power Door Locks, Privacy Glass, Pwr Trailer Tow Mirrors, Power Windows, Rear Center Arm Rest, Rear View Camera, Side Airbags, Split Front Bench Seat, Stability Cntrl Suspensn, Mounted Spare Tire, Strg Wheel Radio Control, SiriusXM Satellite Radio, Tachometer, Tinted Glass, Camper/Towing Package, Tire Pressure Monitor, Trailer Hitch, Touch Screen Display, Tilt Steering Wheel, USB Audio Input(s), Velour/Cloth Seats, Armrest.

Offered for sale by Dealer in Dickinson, TX, (832) 769-5953. Vehicle information by \*Leading Internet Auto Site on 05/10/21.

The advertised price of \$27,850 was adjusted to account for typical negotiation.

 Comparable vehicle number 2 of the market valuation report made a negative adjustment to the advertised price of \$27,850 to account for "typical negotiation."



\$26,736



#### 05/28/2022 TEXAS DEPARTMENT OF MOTOR VEHICLES VEHICLE TITLES AND REGISTRATION DIVISION

LIC PRB8457 MAY/2022 OLD # LCR8667 JUN/2021 EWT 5100 GWT 6100
PASSENGER-TRUCK PLT, STKR REG CLASS 35 \$ 78.00 GALVESTON CNTY
TITLE 08431244355083404 ISSUED 06/18/2021 ODOMETER 45909 REG DT 06/10/2021
YR:2017 MAK:RAM MODL:150 BDY STYL:PK VEH CLS:TRK<=1 SALE PRC: \$28750.00
VIN: 1C6RR6KT5HS655527 BODY VIN: COLOR: WHITE
PREV TTL: JUR TX TTL # 28695344328006075 ISSUE 05/15/2021
PREV OWN COOK PRE-OWNED, DICKINSON, TX
OWNER ROBERT JONATHAN CARLSON, 2501 GULF FRWY #267, DICKINSON, TX, 77539
LIEN 05/12/2021, SANTANDER CONSUMER USA, INC., PO BOX 961288, FT WORTH, TX
,76161
PLATE AGE: 0 LAST ACTIVITY 06/17/2021 RLSAUT OFC: 297
REMARKS ACTUAL MILEAGE, DATE OF ASSIGNMENT: 2021/05/12.E-TITLE.

• Comparable vehicle number 2 actually sold for \$28,750; \$900 ABOVE the advertised price, and \$2,014 above the adjusted market value.





# RAM 1500 EXPRESS CREW CAB 4X2

THIS VEHICLE IS MANUFACTURED TO MEET SPECIFIC UNITED STATES REQUIREMENTS. THIS VEHICLE IS NOT MANUFACTURED FOR SALE OR REGISTRATION OUTSIDE OF THE UNITED STATES.

	Base Price:	\$32,895	
RAM 1	500 ST CREW CAB 4X2		<u> </u>
	r Color: Bright White C		t.
	r Color: Black / Diesel G		
	r: Cloth 40 / 20 / 40 Ber 1: 5.7-Liter V8 HEMI® N		
Transn	nission: 8-Speed Autom	atic 8HP70 Transmiss	ion
TT GILJI	masion o opeca nation	idus orn ro transmiss	non
OPTION	AL EQUIPMENT (May Rep	ace Standard Equipment)	
	Package 26J	and the second se	\$1,90
	x 7.0-Inch Aluminum Whe	els	
Fog Lam	ips		
Dual Rea	ar Exhaust with Bright Tips		
Body-Co	olor Front Fascia		
Body-Co	of Rear Bumper		
Carpet F	loor Covering		
Front an	d Rear Floor Mats		
Delete S	pray-In Bedliner		

Delete Class IV Receiver Hitch Popular Equipment Group

Remote Keyless Entry with All-Secure

8-Speed Automatic 8HP70 Transmission Anti-Spin Differential Rear Axle 5.7-Liter V8 HEMI® MDS VVT Engine	\$500 \$435 \$1,250
32-Gallon Fuel Tank Uconnect® 5.0	\$355 \$500
5.0-Inch Touchscreen Display SiriusXM® Sat Radio w/ 1-Yr Radio Subscription For More Information, Call 800-643-2112 Integrated Voice Command with Bluetooth® Temperature and Compass Gauge Overhead Console 20-Inch x 9.0-Inch Aluminum Chrome Clad Wheels	\$1,495
P275/60R20.0WL All Season Tires ParkView™ Rear Back-Up Camera	\$245
Add Class IV Receiver Hitch Express Value Package Discount	\$345 -\$815
DESTINATION CHARGE	\$1,320

 In addition, comparable vehicle number 2 had fewer options than the loss vehicle, with an \$1,895 lower MSRP, which was never accounted for in the market value algorithm.

\$615

TOTAL PRICE: \* \$41,040

John's Auto Classics LLC

Appraisal Service John V. Cook / Appraiser Lic# 07305192 / LLC# L11188201 / Fed ID# 201162806

Settlement Agreement State Farm Claim **# 53-21J0-72K** Vehicle: 2017 Dodge Ram 1500 Pick Up VIN: IGCRR6KT3HS616273

The two Appraisers have agreed to settle this claim as follows: \$ 35,000.00.00 ACV Plus: local sales tax, title and license fees, less deductible.

John V. Cook / Appraiser / John's Auto Classics LLC



 The final negotiated Actual Cash Value for this truck at date of loss was \$35,000. The appraisal process increased the settlement by \$7,583 plus sales tax on the increase.



 This 2016 Dodge Ram 1500 Express hydroplaned in a rainstorm outside of Tyler, Texas and had a right-side collision with another vehicle.





Claim In	formation				a Court of	
Claim Number 20-3602296-01		Policy Number	Loss Type COLLISION		Owner TRACE INGLE 4 OUIDA CIR LONGVIEW, TX 75603 +1-903- 2392181	
		Reported Data	Valuation R		Valuation Report ID	Version Number
01/10/20	<mark>20</mark> Information	01/10/2020	01/17/202	20	1009852248	2
	Make	Model				
Year 2016 Valuatio	Ram n Summar	1500 Express 4 Do Bed 5.7L 8 Cvl Gas		Foot TX 7		Mileage 99,034 miles
Loss Ve	ehicle Adjus	stments			on the second	
Adjustr	nents speci	ific to your vehicle				
		Base Value =	\$21,004.30			
		Condition -	\$2,044.00			
		Prior Damage	\$0.00			
	6	Aftermarket Parts +	\$165.00			
		Refurbishment_	\$0.00			
		Market Value =	\$19,125.30	Sett	lement V	alue:
Settler	ment Adjust	tments				
Adjus	stments spe	ecific to your policy		\$18	3,130.30	
		Deductible -	\$995.00	+	,	
	\$	Settlement Value =	\$18,130.30			

 The Market Value was estimated to be \$19,125.30 as of the date of loss.

2 2016 RAM 1500 E	XPRESS CREW C	AB PKP 8 5.7 NORMAL GAS A4WD		List Price:	24.042.00
VIN 8C6RR7KT3GG358199	Stock Na GG358199	Listing Date 12/15/2019	27P/Postal Cours 75244	Distance from Loss V 130 miles	lenide
Source		Adjustmente	Loss Vehille	this Vehicle	Anthone
DEALER WEB LISTING - BUILDSHEET - CARS.COM		Projected Sold Adjustment			-\$835.00
DALLASLEASERETURNS.COM		Mileage	99.034	50,448	-\$2,349.11
14335 INWOOD RD		Equipment			
DALLAS TX 75244 972-239-2222		BLACK RAM 1500 EXPRESS GROUP	Yes	No	\$1.008.88
		RADIO; UCONNECT 5.0	BLACK RAM 1500 EXPRESS GROUP	Yes	-\$344.67
		POPULAR EQUIPMENT GROUP	BLACK RAM 1500 EXPRESS GROUP	Yes	-\$358.76
		QUICK ORDER PACKAGE 26C EXPRESS	Yes	No	\$1,140.72
		QUICK ORDER PACKAGE 28J EXPRESS	No	Yes	-\$1,140.72
		ADD CLASS IV RECEIVER HITCH	Yes	No	\$205.45
		ADD SPRAY IN BEDLINER	Yes	No	\$291.32
				Total Adjustments:	-\$2,381.91
				Adjusted Price:	\$21,660.09

• Comparable vehicle #2 in the market valuation report had an Adjusted Price \$2,381.91 below the List Price of \$24,042.



**Projected Sold** Adjustment: an adjustment to reflect consumer purchasing behavior (negotiating a different price than the listed price).



05/14/2021 TEXAS DEPARTMENT OF MOTOR VEHICLES VEHICLE TITLES AND REGISTRATION DIVISION

LIC MWR1546 DEC/2020 OLD # JCV7283 OCT/2020 EWT 5300 GWT 6300 PASSENGER-TRUCK PLT, STKR REG CLASS 35 \$ 71.25 DALLAS CNTY TITLE 05740343855110947 ISSUED 02/04/2020 ODOMETER 50453 REG DT 01/27/2020 YR:2016 MAK: RAM MODL:150 BDY STYL: PK VEH CLS: TRK<=1 SALE PRC: \$24999.00 VIN: 3C6RR7KT3GG358199 BODY VIN: COLOR: BLACK/GRAY PREV TTL: JUR TX TTL # 28695343820008832 ISSUE 12/24/2019 PREV OWN D&M LEASING DALLAS, DALLAS, TX OWNER LARRY DARNELL ATKINS, 1925 INDIAN LILAC DR, LANCASTER, TX, 75146 12/13/2019, ALLY FINANCIAL, , PO BOX 8102, , COCKEYSVILLE, MD, 21030 LIEN PLATE AGE: 1 LAST ACTIVITY 02/03/2020 RLSAUT OFC: 297 REMARKS ACTUAL MILEAGE. DATE OF ASSIGNMENT: 2019/12 13.E-TITLE.

• Comparable vehicle #2 actually sold for \$957 ABOVE the list price; a deviation of +\$3,338.91 versus the Market Valuation Report's adjusted value for this comp.



Chad Hales Vehicle Value Experts

RE: Insured: Stephen Dewayne Ingle Date of Loss: 01/10/2020 Claim #: 20-3602296

Dear Chad Hales:

As a result of our phone conversation and emails since I contacted you on Sept. 30, 2020, we agreed on an actual cash value amount for Insured's Stephen Dewayne Ingle 2016 Ram 1500. We agreed that on an actual cash value (ACV) of \$26,500.00 less any applicable deductible that may apply. This amount does not include any applicable title, taxes or any other state fees that may apply that Progressive Insurance might owe the Insured's. The settlement amount also does not include any salvage considerations.

Please sign and date this agreement and return it to me. I will sign and date this agreement and then forward a copy back to you. Thanks for your cooperation in settling this matter for the Insured's as well as Progressive Insurance.

Date: 10/01/2020 Appraiser: Chad Hales Signature:

Date: 10/01/2020 Appraiser: Morris Ray Signature: (

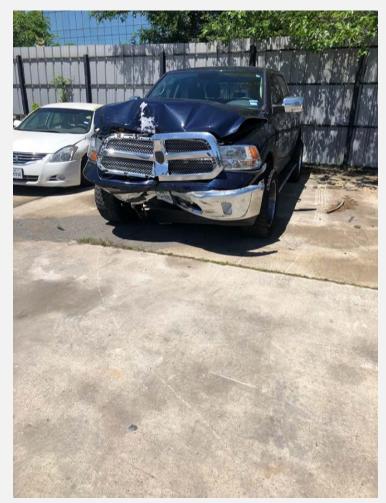








 This 2017 Dodge Ram 1500 Lone Star was involved in a front-end collision in Houston.





	Prepared for AS
Owner	Porter, Cody
Loss Vehicle	2017 Ram 1500 Lone Star Crew Cab 4WD w/5'7" Box
Loss Incident Date	04/18/2019
	DN
Appraiser	Appraiser, Asi2
Odometer	44,000
Base Vehicle Value	\$ 25,393.00
Adjusted Vehicle Value	\$ 25,393.00
Total	\$ 25,393.00

#### Prepared for ASPEN MANAGING GENERAL AGENCY

The CCC ONE® Market Valuation Summary reflects CCC Information Services Inc.'s opinion as to the value of the loss vehicle, based on information provided to CCC by ASPEN MANAGING GENERAL AGENCY.

Loss vehicle has 15% greater than average mileage of 38,100.

 The Adjusted Vehicle Value was estimated to be \$25,393 as of the date of loss.

## CCCSONE MARKET VALUATION SUMMARY



#### COMPARABLE VEHICLES

#### Comp 8

Source: Inspected Inventory
Autonation Chrysler Jeep
Dodge Ram
Spring, TX
(281) 651-3600
35 Miles From Missouri City.
TX

2017 Ram 1500 Lone Star Crew Cab 4wd W/5'7'' Box 8 5.7I Gasoline Sequential Mpi Odometer: 48,004 VIN: 1C6RR7I T4HS539322 Stock #: HS539322

Updated Date: 04/19/2019

\$ 26,591 \$ 24,838



 Take Price is the amount that the dealership will accept to sell the inspected vehicle, though a lower price may be obtainable through negotiation.

#### Comparable vehicle #8 was assumed to sell for \$24,838.



12/15/2021 TEXAS DEPARTMENT OF MOTOR VEHICLES VEHICLE TITLES AND REGISTRATION DIVISION

LIC LYK1832 MAR/2022 OLD # LYK1832 MAR/2021 EWT 5300 GWT 6300 PASSENGER-TRUCK PLT, STKR REG CLASS 35 \$ 78.50 HARRIS CNTY TITLE 28695344461011359 ISSUED 09/25/2021 ODOMETER 48058 REG DT 03/31/2021 YR:2017 MAK:RAM MODL:150 BDY STYL:PK VEH CLS:TRK<=1 SALE PRC: \$27321.00 VIN: 1C6RR7LT4HS539322 BODY VIN: COLOR: RED PREV TTL: JUR TX TTL # 10130743576250129 ISSUE 05/01/2019 PREV OWN ROBIN PETERSON, DEER PARK, TX ROBIN PETERSON, ,1221 E PRINCETON LN, , DEER PARK, TX, 77536 OWNER PLATE AGE: 2 LAST ACTIVITY 09/24/2021 ELTLO3 OFC: 286 REMARKS ACTUAL MILEAGE DATE OF ASSIGNMENT: 2019/03 /25. PAPER TITLE.E-TITLE PRI NT DATE:09/25 /2021.

Comparable vehicle #8 actually sold for \$27,321; \$730 above the Take Price and \$2,483 above the adjusted value for this comp.



2017 MODEL YEAR

#### RAM 1500 LONE STAR SILVER CREW CAB 4X4

THIS VEHICLE IS MANUFACTURED TO MEET SPECIFIC UNITED STATES REQUIREMENTS. THIS VEHICLE IS NOT MANUFACTURED FOR SALE OR REGISTRATION OUTSIDE OF THE UNITED STATES.

MANUFACTURER'S SUGGESTED RETAIL PRICE OF THIS MODEL INCLUDING DEALER PREPARATION

Base Price: \$41,195 RAM 1500 SLT CREW CAB 4X4 Exterior Color: True Blue Pearl Coat Exterior Paint Interior Color: Black / Dissel Gray Interior Colors Interior: Cloth Bucket Seats Engine: 5.7-Liter V8 HEMI® MDS VVT Engine Transmission: 8-Speed Automatic 8HP70 Transmission

OPTIONAL EQUIPMENT (May Replace Standard Equipment) \$1,600 Lone Star Sliver Package 26N P275/60R20 BSW All Season Tires ParkView® Rear Back Up Camera 20-Inch x 9.0-Inch Polished Aluminum Forged Wheels Bright Grille Chrome Exterior Mirrors Power Chrome Multi-Function Mirrors w/Pwr Fold-Away Auto-Dimming Rearview Mirror LED Bed Lighting A/C Auto Temperature Control with Dual Zone Control Chrome Belt Moldings Full Length Upgraded Floor Console (NA Bench Seat) Uconnect® 8.4 Class IV Receiver Hitch Fog Lamps Dual Rear Exhaust with Bright Tips Power 10-Way Driver Seat

	Mirrors with Courtesy Lamps ors with Illuminated Vanity Mirrors	
Overhea	d Console with Garage Door Opener	
Tow Ho	t Auxiliary Power Outlet oks	
	o-Wheel Side Steps	
Protectio	Start System (N/A Manual Transmission)	\$225
	Case Skid Plate	922.0
	spension Skid Plate	
	eats and Wheel Group Front Seats	\$545
	Steering Wheel	
8-Speed	Automatic 8HP70 Transmission	\$500
	Aluminum Spare Wheel Differential Rear Axle	\$435
	V8 HEMI® MDS VVT Engine	\$1,450
	n Fuel Tank	\$405
	Speakers with Subwoofer	\$445
Trailer Br	ake Control	\$295
DESTIN	ATION CHARGE	\$1,395
Packad	e Value Savings of \$5,500	
	in Lone Star Silver Price	
_		
	TOTAL PRICE: * \$48,49	

Furthermore, the MSRP for the Loss Vehicle with all options was \$48,490.



THIS VEHICLE IS MANUFACTURED TO MEET SPECIFIC UNITED STATES REQUIREMENTS. THIS VEHICLE IS NOT MANUFACTURED FOR SALE OR REGISTRATION OUTSIDE OF THE UNITED STATES.

MANUFACTURER'S SUGGESTED RETAIL PRICE OF THIS MODEL INCLUDING DEALER PREPARATION Base Price: \$40,995 RAM 1500 SLT CREW CAB 4X4 RAM 1500 SLI CREW CAB 434 Exterior Color: Delmonico Red Pearl Coat Exterior Paint Interior Color: Canyon Brown / Light Frost Beige Interior Colors Interior: Premium Cloth Bucket Seats Full Length Upgraded Floor Console Engine: 5.7-Liter V8 HEMI® MDS V/T Engine Transmission: 8-Speed Automatic 8HP70 Transmission OPTIONAL EQUIPMENT (May Replace Standard Equipment) Premium Cloth Bucket Seats \$250 Full Length Upgraded Floor Console Lone Star Package 26R \$700 Auto-Dimming Rearview Mirror LED Bed Lighting A/C Auto Temperature Control with Dual Zone Control Uconnect® 8.4 Uconnect® Access 6-Mo Trial (Registration Reg'd) 20-Inch x 8.0-Inch Aluminum Chrome Clad Wheels P275/60R20 BSW All Season Tires Class IV Receiver Hitch Fog Lamps Dual Rear Exhaust with Bright Tips Cloth 40 / 20 / 40 Premium Bench Seat Power 10-Way Driver Seat Rear 60 / 40 Split Folding Seat Folding Flat Load Floor Storage Electric Shift-On-Demand Transfer Case Navigation-Capable: See Dealer for Activation 7-Inch Multi-View Cluster Leather-Wrapped Steering Wheel Steering Wheel Mounted Audio Controls Power Heated Mirrors with Power Fold-Away Auto-Dimming Exterior Mirror

STATES.	
Exterior Mirrors with Courtesy Lamps Sun Visors with Illuminated Vanity Mirrors ParkView <sup>10</sup> Rear Back-Up Camera Overhead Console with Garage Door Opener 115-Volt Auxiliary Power Outlet ParkSense® Front / Rear Park Assist System Remote Start System (N/A Manual Transmission) Security Alarm	
Protection Group Tow Hooks Transfer Case Skid Plate Front Suspension Skid Plate	\$225
Trailer Tow Mirror and Brake Control Group Power Black Trailer Tow Mirrors w/Manual Fold Away Trailer Brake Control	\$460
8-Speed Automatic 8HP70 Transmission 17-Inch Aluminum Spare Wheel	\$500
3.92 Rear Axle Ratio Anti-Spin Differential Rear Axle 5.7-Liter V8 HEMI® MDS VVT Engine Wheel-to-Wheel Side Steps 32-Gallon Fuel Tank Uconnect® 8.4 NAV GPS Navigation SiriusXM Traffic / 5-Yr Traffic Subscription SiriusXM Travel Link 5-Yr Travel Link Subscription	\$95 \$395 \$1,250 \$600 \$355 \$700
Locking Lug Nuts	\$60
DESTINATION CHARGE	\$1,320
Package Value Savings of \$5,000 Included in Lone Star Price	
TOTAL PRICE: * \$47,905	4

 Comparable vehicle number 8 had a lower Base Price and lower valued options than the loss vehicle, with a \$585 lower MSRP, which was never accounted for in the market value algorithm.





## **CONE** MARKET VALUATION REPORT

Prepared for ASPEN MANAGING GENERAL AGENCY

#### 

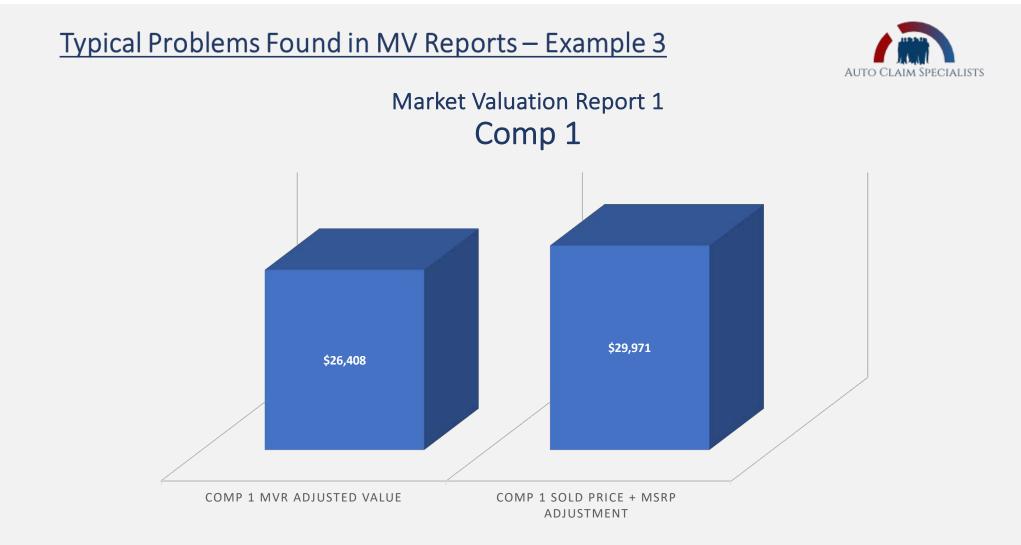
Base Vehicle Value Adjusted Vehicle Value	\$ 25,398.00 \$ 25,398.00	
VALUATION SUMMARY	¢ 25 209 00	
Odometer	44,000	
Appraiser	Appraiser, Asi2	
INSURANCE INFORMATI	ON	Loss vehicle has 15% greater than average mileage of 38,100.
Loss Incident Date	04/18/2019	GENERAL AGENCY.
Loss Vehicle	2017 Ram 1500 Lone Star Crew Cab 4WD w/5'7" Box	Services Inc.'s opinion as to the value of the loss vehicle, based on information provided to CCC by ASPEN MANAGING
Owner	Porter, Cody	Report reflects CCC Information

#### A second Market Valuation Report was generated when the location of the Comps was questioned as a possible source of value discrepancy. The results were no closer to a reasonable Actual Cash Value than the first report.

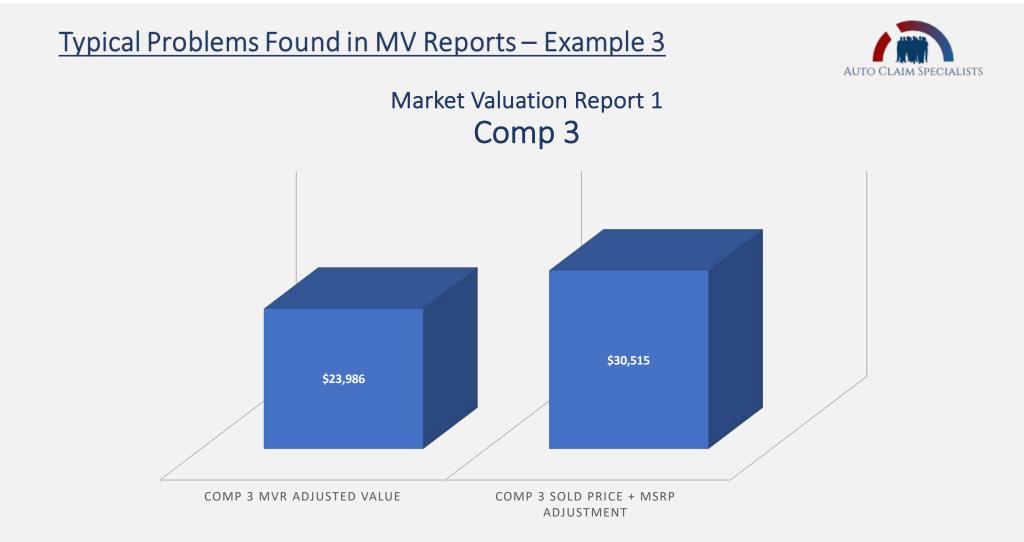


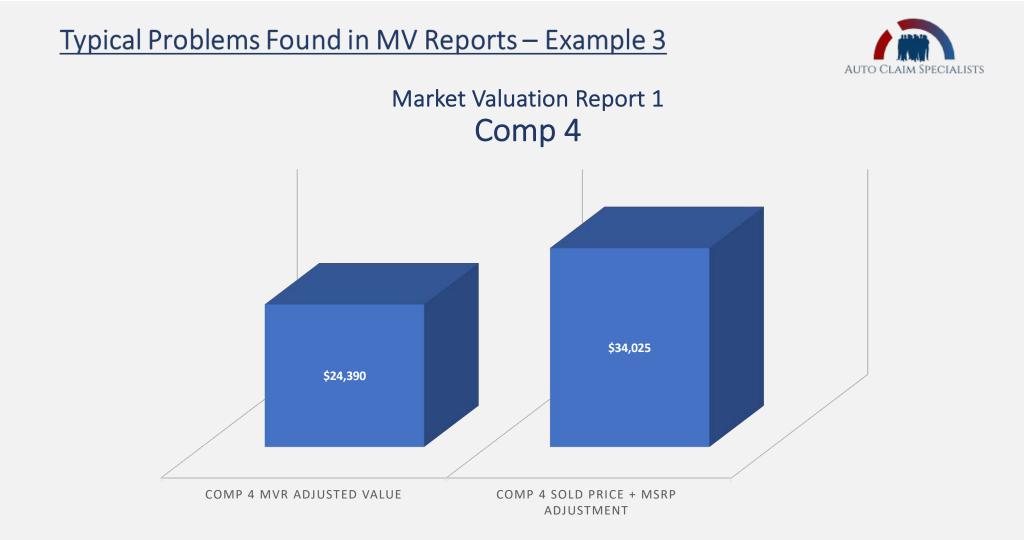
#### Market Valuation Report 1 Comparables vs Loss Vehicle

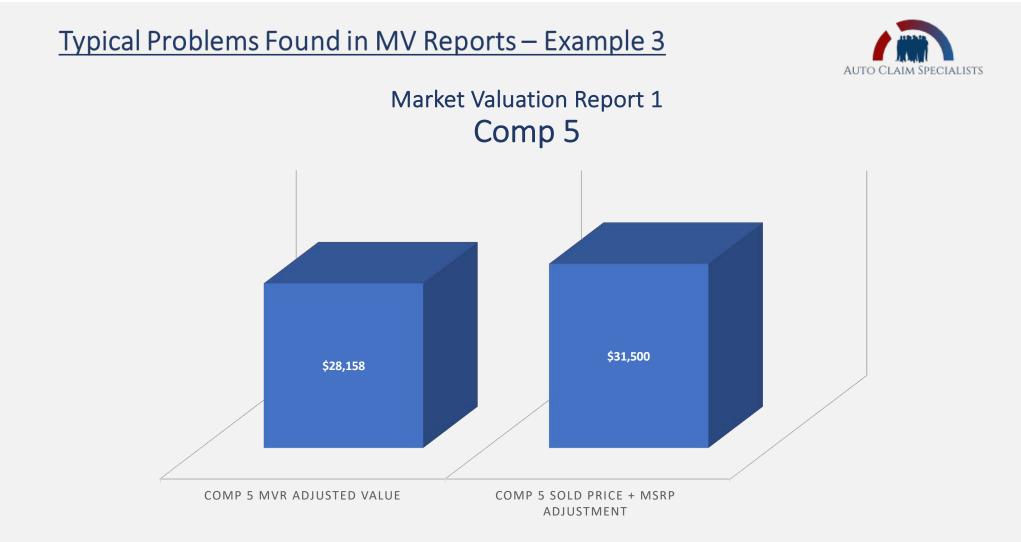
												MSRP vs Loss
Comp	Last 5 VIN	Year	Make	Model	Mileage	List Price	Take Price	Adjusted Value	Sold Price	Sold Mileage	MSRP	Vehicle MSRP
1	39608	2017	RAM	1500	43,128	\$27 <i>,</i> 900		\$26,408	\$27,401	43,128	\$45,920	-\$2,570
2	55175	2017	RAM	1500	34,465	\$29,216		\$25,902	\$27,000	34,465	\$46,000	-\$2,490
3	46435	2017	RAM	1500	27,000	\$27,995		\$23,986	\$28,800	23,685	\$46,775	-\$1,715
4	02838	2017	RAM	1500	35,620	\$27,500		\$24,390	\$32,440	35,635	\$46,905	-\$1,585
5	26858	2017	RAM	1500	20,506	\$32,995		\$28,158	\$30,500	20,507	\$47,490	-\$1,000
6	89915	2017	RAM	1500	17,934	\$28,994		\$24,048	\$28,050	17,934	\$46,890	-\$1,600
7	69031	2017	RAM	1500	35,031	\$29,992		\$26,814	\$29,295	35,050	\$46,735	-\$1,755
8	39322	2017	RAM	1500	48,004		\$26,591	\$24,838	\$27,321	48,058	\$47,905	-\$585
Average								\$25,568	\$28,851		\$46,828	-\$1,663
Loss Vehicle	85056	2017	RAM	1500	44,000						\$48,490	



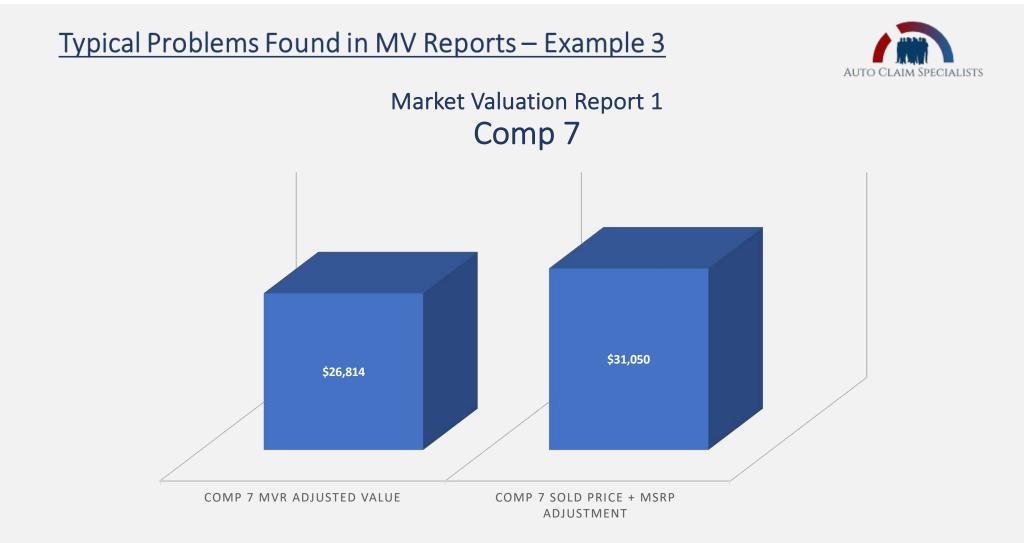


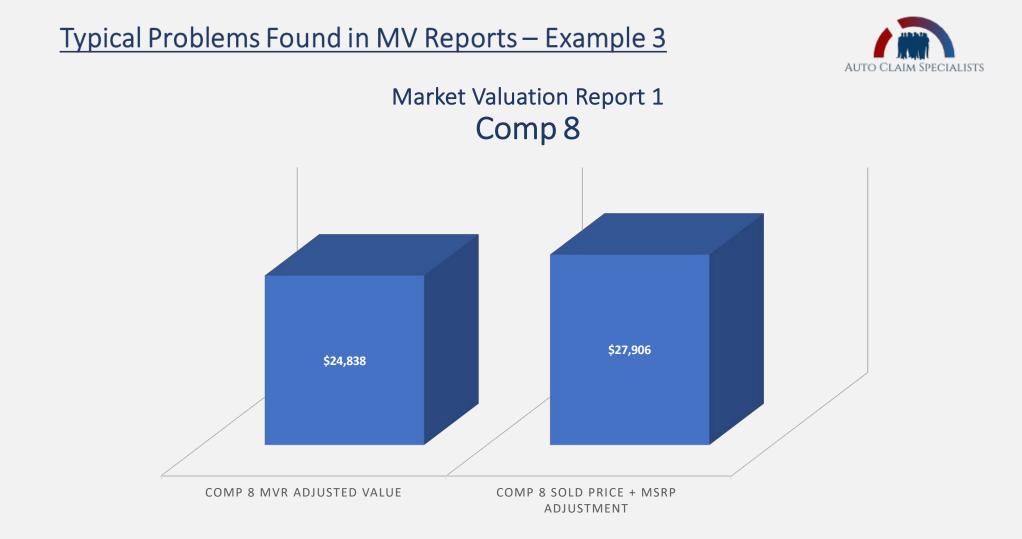




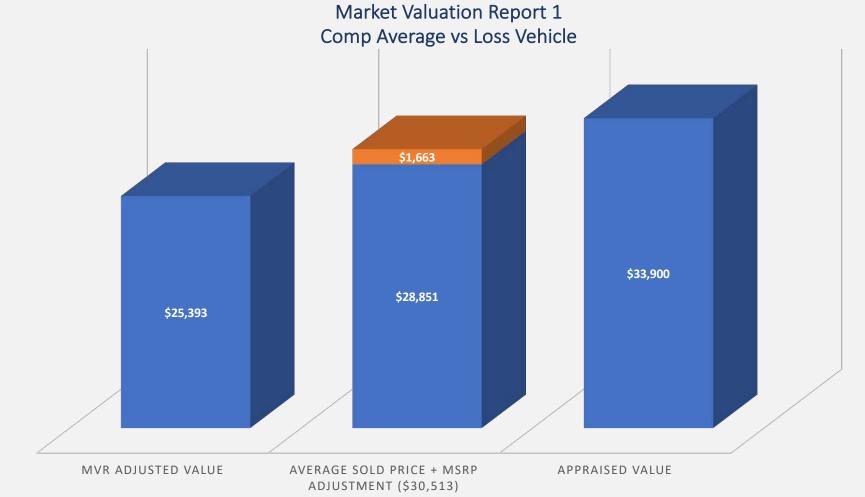








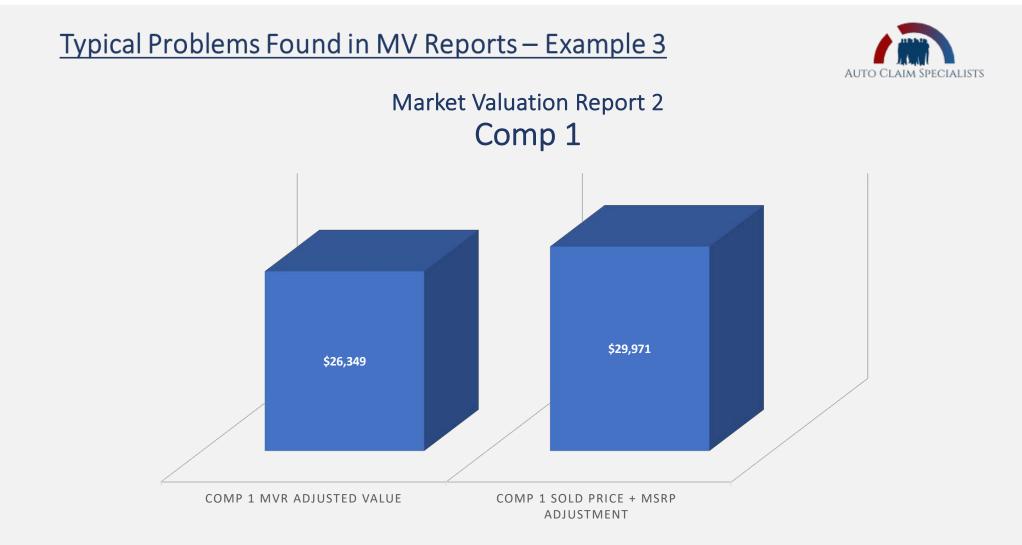


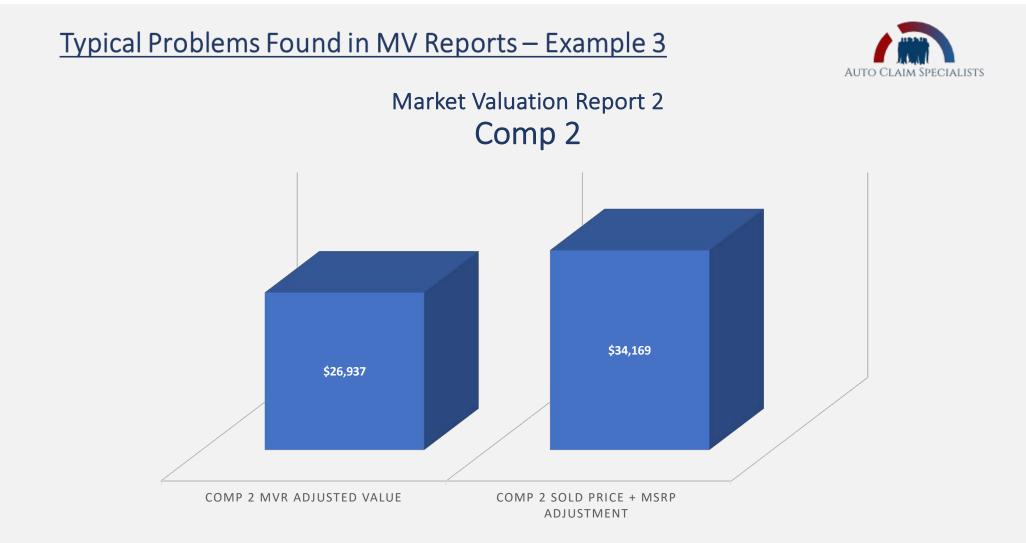


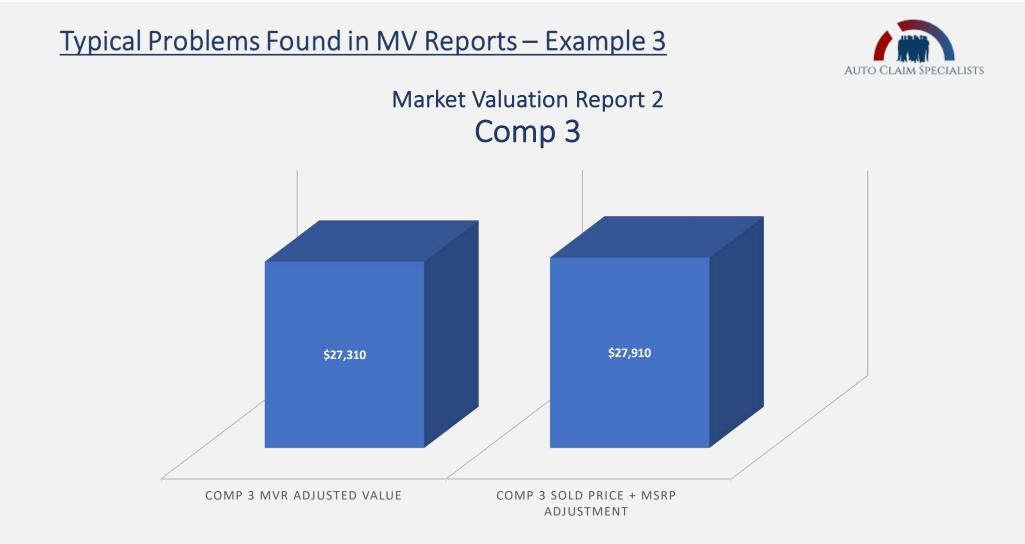


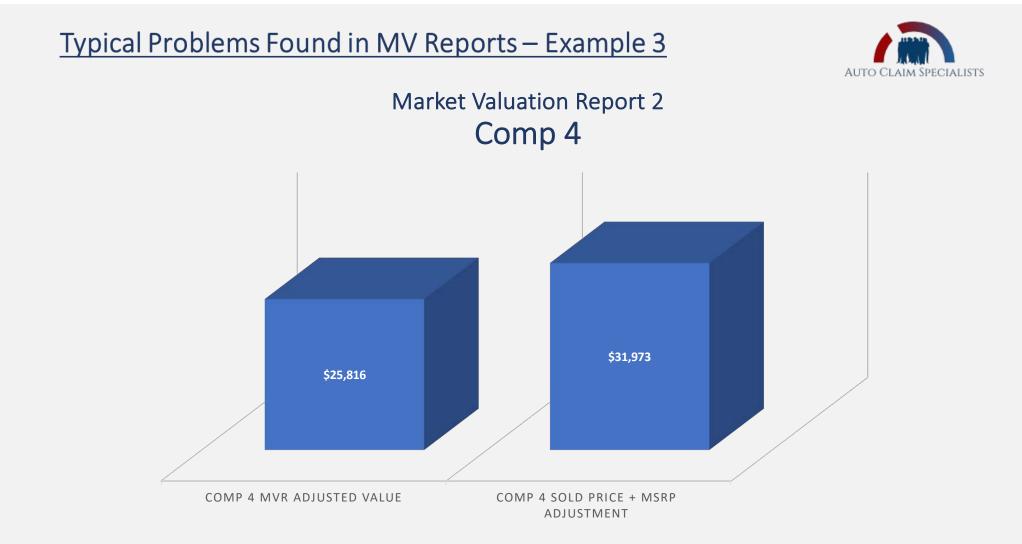
#### Market Valuation Report 2 Comparables vs Loss Vehicle

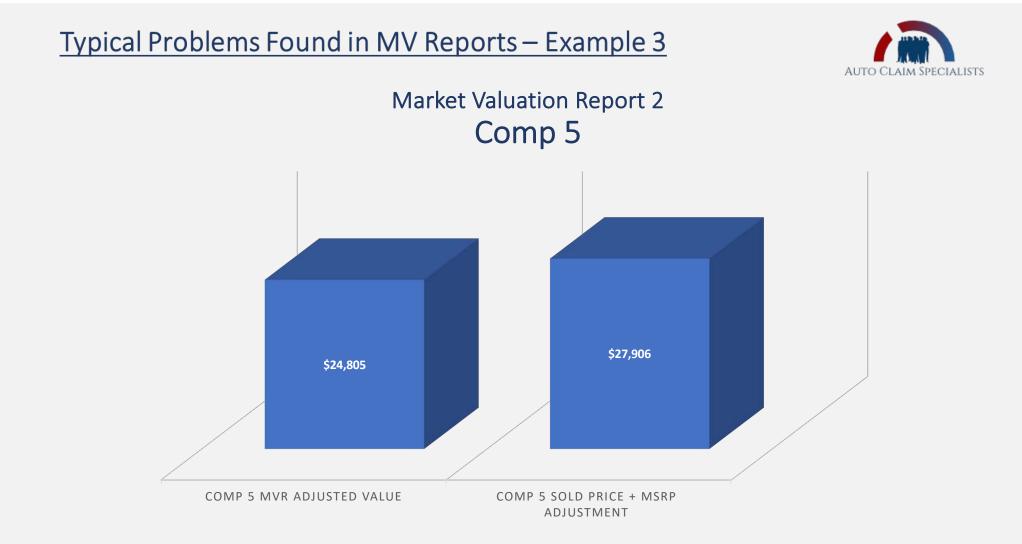
												MSRP vs Loss
Comp	Last 5 VIN	Year	Make	Model	Mileage	List Price	Take Price	Adjusted Value	Sold Price	Sold Mileage	MSRP	Vehicle MSRP
1	39608	2017	RAM	1500	43,128	\$27,900		\$26,349	\$27,401	43,128	\$45 <i>,</i> 920	-\$2 <i>,</i> 570
2	53785	2017	RAM	1500	39,277	\$28,997		\$26,937	\$31,089	39,282	\$45,410	-\$3 <i>,</i> 080
3	11861	2017	RAM	1500	46,102	\$28,455		\$27,310	\$28,455	46,102	\$49,035	\$545
4	06236	2017	RAM	1500	37,440	\$28,900		\$25,816	\$32,298	38,571	\$48,815	\$325
5	39322	2017	RAM	1500	48,004		\$26,591	\$24,805	\$27,321	48,058	\$47 <i>,</i> 905	-\$585
6	00327	2017	RAM	1500	44,073		\$25,988	\$24,222	\$26,187	44,102	\$45,970	-\$2,520
7	41063	2017	RAM	1500	40,065	\$28 <i>,</i> 888		\$25,861	\$33,480	40,065	\$50 <i>,</i> 620	\$2,130
Average								\$25,900	\$29,462		\$47,668	-\$822
Loss Vehicle	85056	2017	RAM	1500	44,000						\$48,490	

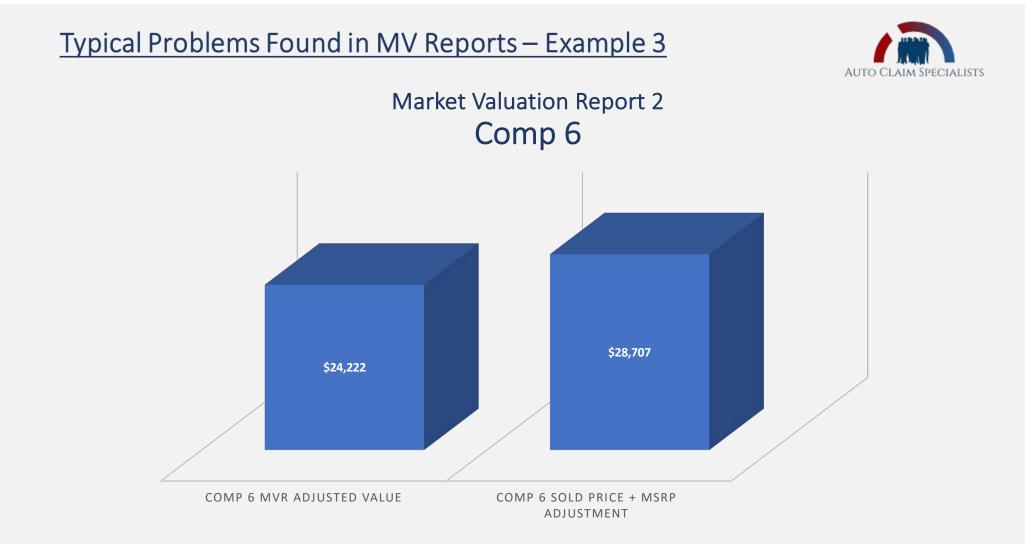


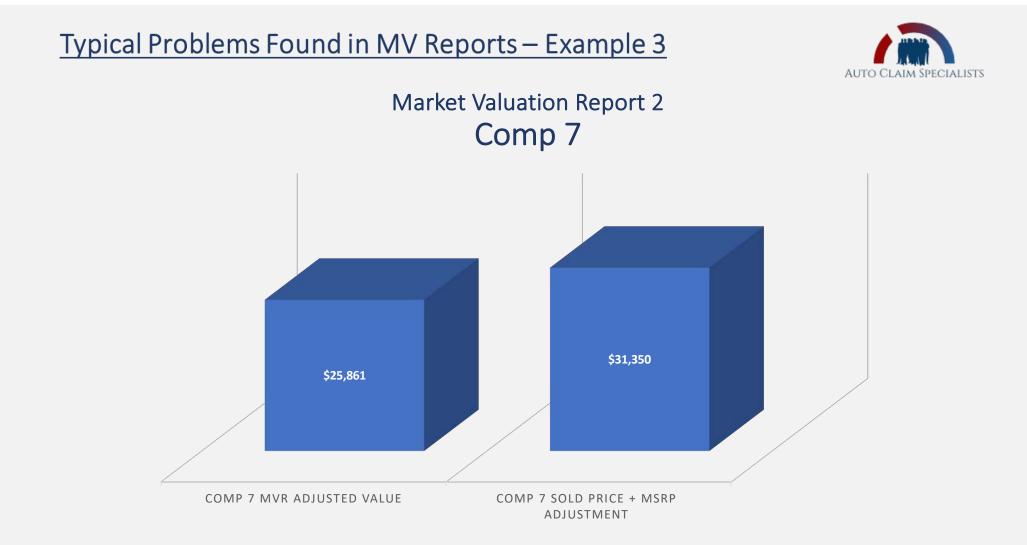


















#### Comparison of the Two CCCOne Market Valuation Reports (MVR 1 and MVR 2) Pulled for Example 3 Dodge RAM Truck







- The key defense insurance policyholders have to protect their contractual right of indemnification is the appraisal clause in their policy.
- Utilizing the appraisal clause, obtain fair settlement of auto claims.



### **Appraisal**

"If we and you do not agree on the amount of loss, either may demand an appraisal of the loss. In this event, each party will select a competent appraiser. The two appraisers will select an umpire. The appraisers will state separately the actual cash value and the amount of loss. If they fail to agree, they will submit their differences to the umpire. A decision agreed to by any two will be binding. Each party will:

1. Pay its chosen appraiser; and

2. Bear the expenses of the umpire equally.

We do not waive any of our rights under this policy by agreeing to an appraisal."



## Limit of Liability (Total Loss Threshold)

"Our limit of liability for loss will be the lesser of the:

- a. Actual cash value of the stolen or damaged property.
- b. Amount necessary to repair or replace the property with other of like kind and quality; or
- c. Amount stated in the Declarations of this policy."



## Limit of Liability (Total Loss Formula)

"Our limit of liability under Comprehensive Coverage and Collision Coverage is the actual cash value of the vehicle, inclusive of any custom equipment. We will declare your covered auto to be a total loss if, in our judgment, the cost to repair it would be greater than its actual cash value minus its salvage value after the loss."



## **Purpose of Appraisal Clause**

- The spirit of the appraisal clause is to resolve loss disputes fairly and to do so in a timely and cost-effective manner.
- Through the appraisal clause, loss disputes can be resolved relatively quickly, economically, equitably, and amicably by unbiased, experienced, and independent third-party appraisers as opposed to more costly and time-consuming methods, such as mediation, arbitration, and litigation.





Texas Department of Insurance

### Get help with an auto insurance complaint

#### Step 1: Talk to the insurance company.

#### Step 2: Ask for an appraisal.

Your policy may include an appraisal process to resolve complaints. Appraisal allows you and the company each hire an appraiser. The two appraisers then choose a third appraiser as an umpire. You must pay for your appraiser and half of the umpire's costs.

The appraisers review your claim and estimate the amount of damage. If their estimates are different, the umpire decides.

You can only use appraisal to resolve disputes about the amount of damage. If there's a dispute about whether something is covered, you can try to resolve that issue after the appraisal.

Check your policy for any deadlines to request appraisal. If you need help finding an appraiser, search for a "property damage appraiser" online or check with your contractor.

#### Step 3: File a complaint with us.

#### Step 4: Get legal help

# Massachusettes Section 191A



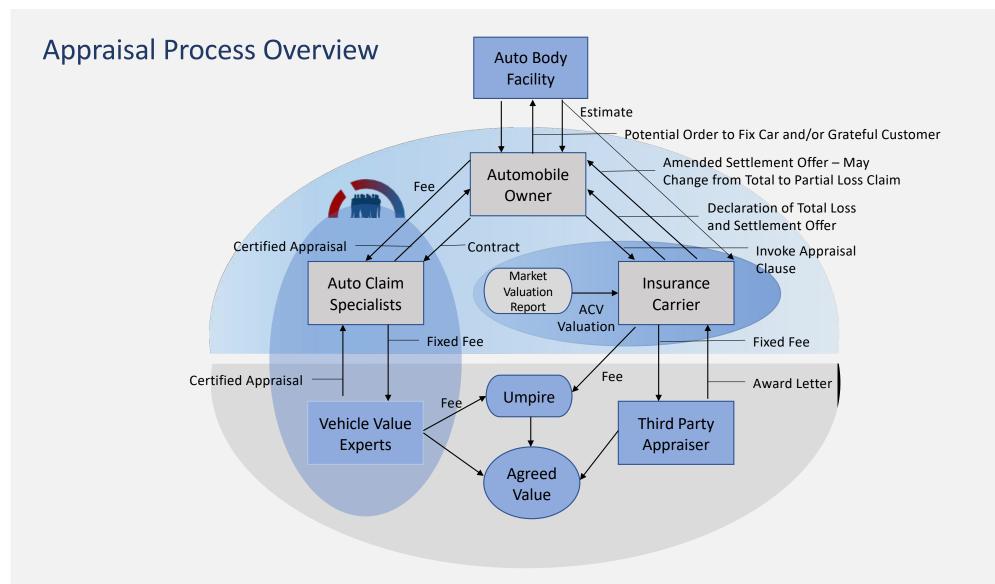
#### Appraisal

• Section 191A. No company shall issue a policy or contract which insures against physical damage to a motor vehicle of the insured unless said policy contains in substance the following provisions:

• In case of any loss or damage insured against under the policy, the named insured shall give notice thereof as soon as practicable to the company or any of its authorized agents and also, in the event of larceny, robbery or pilferage, to the police, and within sixty days after filing proof of loss the company shall pay the amount of loss as provided in the policy.

• If the named insured and the company fail to agree as to the amount of loss, each shall, on the written demand of either, made within sixty days after receipt of proof of loss by the company, select a competent and disinterested appraiser, and the appraisal shall be made at a reasonable time and place. The appraisers shall first select a competent and disinterested umpire and failing for fifteen days to agree upon such umpire, then, on the request of the named insured or the company, such umpire shall be selected by a judge of a court of record in the county and state in which such appraisal is pending. The appraisers shall then appraise the loss, stating separately the actual cash value at the time of loss and the amount of loss, and failing to agree shall submit their differences to the umpire. An award in writing of any two shall determine the amount of loss. The named insured and the company shall each pay his or its chosen appraiser and shall bear equally the other expenses of the appraisal and umpire.

• The company shall not be held to have waived any of its rights by any act relating to appraisal.



## Repairable and Total Loss Claim By Age of Vehicle

YEAR	REPAIRABLE APPRAISED VEHICLES	TOTAL LOSS		
2008	5.3 years	8.6 years		
2009	5.45 years	8.9 years		
2010	5.79 years	9.3 years		
2011	5.99 years	9.6 years		
2012	6.11 years	9.8 years		
2013	6.19years	9.9 years		
2014	6.1 years	10 years		
2015	6 years	10 years		
2016	8.93 years	9.87 years		
2017	7.9 years	9.64 years		
2018	6.91 years	9.66 years		
2019	5.94 years	9.6 years		
2020	6.17 years	9.68 years		



Average age of vehicles being repaired rose only slightly in 2020, thanks to surprisingly robust new-car sales

Still lower than it was in 2016-2018

Average age of vehicles being totaled crept up only slightly

Source: CCC Intelligent Solutions Appraisal Rights



 With 2.6M Total Losses in US per year, if just 5% of the automated valuations are inaccurate, and when they are inaccurate, they are undervalued \$3,672 on average (our average settlement increase), that means there could be an average total annual under-indemnification of \$475,000,000.

# Our Position on Mandatory Appraisal Rights



- Our Position IS NOT: Every auto claim should go to appraisal.
- Our Position IS:
  - 1) Due to the tremendous volume of auto claims, the valuation of loss MUST BE AUTOMATED.
  - 2) There is no, and will never be, a perfect automated vehicle valuation system.
  - 3) The automated valuation systems approved by insurance carriers will always and understandably penalize any tendency of over-indemnification. Thus, the inevitable valuation errors will tend always to be to the low side.
  - 4) Therefore, the right of appraisal should be mandatory in every state of our nation, and presented to insureds as the means of resolution when values are disputed.
  - 5) Should there be evidence found of intentional, persistent and/or flagrant under-indemnification in auto claims where appraisal is not, or is not allowed to be, the remedy, we support other means of remedy for our clients, the insureds.



## **Right To Appraisal**

- Recent Allstate email to our client:
- I have reviewed the attachments submitted and the policy does not owe for retail value or to replace the vehicle. The policy owes for the Actual Cash Value of the vehicle. Allstate uses a Market Valuation Company called CCC One to determine the value.
- The key defense insurance policyholders have to protect their contractual right of indemnification is the appraisal clause in their policy.
- Utilizing the appraisal clause, obtain fair settlement of auto claims.

# THE FENCE POST IN THE LOSS BEGINS WITH THE ACV

AUTO CLAIM SPECIALISTS

#### Again: Results Speak for Themselves

#### **Settled Appraised ACV vs Carrier's Market Valuation Report**

Age	% of Claims	Average Carrier's Offer	Average Settlement	Average \$ Difference	Average % Difference	Maximum \$ Difference
All	100%	\$18,292	\$21,963	\$3,672	27.6%	\$51,000
0-2	26.0%	\$26,200	\$30,134	\$3,933	16.6%	\$32,674
3-5	31.1%	\$21,113	\$24,919	\$3,805	19.7%	\$27,039
6-8	19.4%	\$14,345	\$17,601	\$3,255	28.9%	\$11,719
9-11	11.0%	\$10,396	\$13,640	\$3,244	35.7%	\$18,984
12-14	7.1%	\$9,032	\$12,398	\$3,366	47.9%	\$9,262
>14	5.4%	\$6,345	\$10,754	\$4,409	78.3%	\$51,000



July 5, 2021, Negotiator: Initial total loss ACV's coming in low, might cost consumers, shops chance to repair.



"Fair settlements come from knowledge and negotiation."

## Visit our website at autoclaimspecialists.com



April 28, 2021 Texas House Committee backs mandatory 'Loser Pays" Auto Insurance Appraisal Clauses