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Senate of Pennsylvania

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Original: 2001  
Harbison

September 21, 1999

Harbison  
McGinley  
Bush  
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INDEPENDENT REGULATORY  
REVIEW COMMISSION

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RECEIVED

**EMBARGOED MATERIAL**

The Honorable John R. McGinley, Chairman  
Independent Regulatory Review Commission  
14th Floor, Harristown 2  
333 Market Street  
Harrisburg, PA 17101

RE: Motor Vehicle Physical  
Appraisers Act  
Regulation #11-149

Dear Chairman McGinley:

Enclosed is a letter that I sent to Diane Koken, Insurance Commissioner, regarding the above referenced final-form regulations.

As you can see, I have severe reservations surrounding these regulations as currently written.

I would greatly appreciate your consideration of my input during your review of the matter.

Sincerely,

Robert M. Tomlinson  
State Senator, 6th District

RMT/jah

Enclosure

**ROBERT M. TOMLINSON**  
6TH DISTRICT

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Diane Koken, Commissioner  
Pennsylvania Insurance Department  
Room 1326, Strawberry Square  
Harrisburg, PA 17120

Dear Commissioner Koken:

I am writing today to state my objections to the final-form Motor Vehicle Physical Damage Appraisers' regulation due to my concerns with the language concerning aftermarket parts and insurance company referral practices.

**Referral Practices** I would like to raise my concern with the final-form regulation that pertains to the issue of prohibiting appraisers and insurers from directly steering a consumer to a body repair shop. As currently written, the regulation permits an appraiser or insurer to mention the names of body repair shops so long as he fully discloses to the consumer that there is no requirement to use any specified repair shops. My concern is that even though the appraiser or insurer is required to disclose to the consumer that they don't have to use any of the repair shops listed, the consumer may still feel pressured to take it to the shops listed.

**Aftermarket Parts** I also oppose the position of the department that authorizes the use of aftermarket parts when repairing vehicles. Auto body repair shops in my district have raised serious concerns with the safety and quality of aftermarket crash repair parts compared to original equipment replacement parts. They indicate that these inferior repair parts make the car unsafe and reduce the value of a consumer's vehicle. I am very concerned with the use of aftermarket replacement parts that may be substandard and jeopardize the safety of the consumer.

Due to these concerns, I would ask for a delay in implementation of the regulation until these issues are adequately addressed.

Sincerely,

Robert M. Tomlinson  
State Senator, 6th District

RMT/jah