SEPTEMBER 2014

MCRS

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Great Falls Meeting Brings Exhibitors and Important Compliance Information

The MCRS Summer Meeting August 23 at the Hilton Garden Inn in Great Falls introduced a new venue to the industry. The MCRS Trade Fair Friday afternoon was a big success. From 3:00 -9:00 products and equipment were displayed, including the Friday night Meet and Greet hosted by Denny Menholt Chevrolet. Over 60 Montana industry professionals attended this weekend of education and information.

This meeting was focused on Safety and Compliance for the body shop. The Saturday morning MCRS Business Breakfast Meeting Guest Speaker was Representative Gordy Vance(HD67). Representative Vance has been instrumental in the positive legislative action for our industry in Helena. He understands the issues and is always working behind the scenes for Montana's citizens and small business in Montana. He is currently reviewing the parts issue that collision repairers are dealing with in Montana and will be meeting with the MCRS Legislative Committee to discuss further action.

Ray Boespflug, Safety and Health Specialist with the U.S. Department of Labor, Occupational Safety and Health Administration, gave an important fact filled presentation Saturday morning. Boespflug stressed to everyone, "you will be a 'lifetime learner'. That became more apparent throughout the presentation. The issues and challenges of safety and health are always going to be developing and changing. He stressed the fact that, as Safety and Health Specialist for OSHA, he is protecting the employee. What they are doing for the business owner is giving us the tools to be in compliance. The Montana Department of Labor offers a consultation service to small business. A Safety Specialist will come into your business and review your facility to assist you meeting OSHA standards. This is not a casual recommendation, it is something that has to be done in the shop.

There is always potential for a random inspection from OSHA. October starts their new fiscal year and they will begin more new inspections. After reviewing all the information from OSHA, The MCRS Board has agreed that the Consultation Inspection is the best, most accurate and efficient process to be in compliance. The OSHA information is vast and challenging for shop owners. A consultation brings the information directly to your shop and shows you what needs to be done.

The OSHA presentation led into the luncheon presentation from Brandon Thomas, COO of GMG Environmental Services. 'Isocyanate Emphasis Program'. GMG Environmental is Compliance Certified collision focused national company that works with shops on an individual basis meet compliance requirements of EPA, OSHA and DOT(to name a few). Thomas' comprehensive presentation detailed relevant regarding information



Roy Boespflug, Safety and Health Specialist. U.S. Department of Labor, Occupational Safety & Health Administration brings important information to Great Falls meeting attendees.

Isocyanates, compliance and OSHA. He shared the in June 2013 OSHA announced NEP, which will: Focus inspections on specific industries for the next three years; (Collision repair will probably be one of them); Strengthen protection for workers exposed to isocyanates; Reduce occupational illnesses and death. This is a very serious initiative. Thomas reported an OSHA fine to a collision repairer of \$12,000 for allowing a painter to spray in a paint suit that does not prevent isocyanate exposure.

The meeting was wrapped up Saturday by Richard Turner, PPG, talking about the importance of the implementation process to train shops to be in compliance.

There is no quick and easy solution to become in compliance or stay in compliance. The process will be ever evolving as technology changes and we have the potential for more exposure. We learned a lot at this meeting in Great Falls. The most important lesson we learned is- We Don't Know What We Don't Know.

The MCRS Board is encouraging shops in Montana to contact the Montana Department of Labor, Consultation Division. Schedule a Consultation and do what you have to do to be in compliance. GMG Environmental also offers fee based consulting service to Montana shops. (see page4)

"It was hard information to hear, however it is what we have to do," says Fred Lowder, Tilleman Motors in Havre.



Representative Gordy Vance (HD 67) speaks to the Montana Collision Repair Specialists about legislative action.

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Montana Collision Repair Specialists graciously Thanks these sponsors for their support of Montana's collision repair industry!

OEM Collision Repair Technology Summit at 2014 SEMA Show

This year, a noticeable new developments to the SCRS RDE program is the launch of the very first issue-specific, collision repair industry forum that will be featured on Wednesday, November 5th, and titled as the **OEM Collision Repair Technology Summit**.

"There is really no topic more captivating of everyone's attention right now than the rapidly changing landscape of automobile technology, and how it is driving adaptation in the collision repair marketplace," shared SCRS Chairman Ron Reichen. "It is a topic that has broad-reaching impact on everyone in the industry and it was important to both SCRS and SEMA to develop a forum that would address the significant interest from all who are making the investment to join the industry in Las Vegas this fall."

"We are really excited about how this program has come together, and the unique nature of the participants, "added SCRS Executive Director Aaron Schulenburg. "We have speakers coming in from all over the world, and participation from a wide variety of well-respected automakers such as Ford, GM, Toyota, Tesla, BMW, Audi and Mercedes - but we will be hearing from representatives that we often don't have a chance to interface with."

The panelists represent companies with rich histories of producing sophisticated structural designs and technological advancements, and will be bringing technical insight into the design, architecture and development of their vehicles, and how advancements in those areas intersect with the repair process. The discussion will fittingly be moderated by Jason Bartanen, Director of Industry Technical Relations for I-CAR, and one of the lead representatives from the training organization involved in their work as an "OEM linking pin."

The program will also include separate panel discussions

with representatives from certified repair facilities, equipment suppliers, certifiers/ auditors and special presentations from the aluminum and steel industries.

"Every participant in this industry can benefit from better insight into how



vehicles and materials are evolving, what that means in the repair process and what will be expected of those who are performing these repairs," added Schulenburg. "The future of our collision repair industry is highly skilled professionals, working on highly sophisticated automobiles that require the industry to embrace the necessary investments in training and equipment; but also relies on informed business owners who understand how to define for themselves what a sustainable and successful business model to support that investment looks like."

The OEM Collision Repair Technology Summit is made possible through support from PPG Refinish Products, Ford Motor Company, BASF, Toyota Motor Sales and The Hertz Corporation.

For more information about SCRS' Repairer Driven Education (RDE) series, and to register for the OEM Collision Repair Technology Summit and other RDE sessions, please visit www.semashow.com/scrs.

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—— Industry News

TILLEMAN MOTOR COMPANY

A Big 'Hit' in Havre

If you know football you know Montana legend Mike Tilleman. Mike Tilleman attended Chinook High School, earning a sports scholarship to the University of Montana where he was picked up by the Minnesota Vikings in the 1965 NFL Draft. In addition to the Vikings, Tilleman played for the New Orleans Saints, (an original Saint) Houston Oilers, and the Atlanta Falcons.

After a noted NFL career, (an offensive lineman once commented that he would rather catch javelins for an hour than to take head slaps from Mike Tilleman), he came home to Chinook Montana and started a small General Motors Dealership in 1977. Around 1980 Tilleman grew his operations, moving to a larger dealership in Havre.



(I-r)Craig Tilleman, Doug Hollingshead and Mike Tilleman in the Tilleman Motor Company showroom. A GOOD TEAM!

Tilleman Motor Company is a full service General Motors Dealership, selling and servicing the entire GM product line. They have expanded and built Tilleman Equipment, an agricultural equipment company.

Mike Tilleman is still involved in the business. His main focus is now the agricultural side while his son, Craig Tilleman is the General Manager of the dealership. The Tilleman's have been very involved in the Montana Auto Dealers Association.

Doug Hollingshead has been managing the body shop at Tilleman Motor Company since 2003. His background was sales – and that is what Mike Tilleman hired him for – to build his body shop- and he has. Hollingshead background was a 25 year successful stint in the beverage and food distribution business. His first year in running the body shop, Havre was hit by a huge hail storm. "It was trial by fire that first year, I was thrown to the wolves," Hollingshead laughs. He has a great philosophy, "It was a great learning curve," he remembers, "I still want to come to work and learn something new every day!"

This stand alone body shop operates in about 8000 square feet. There are 3 body techs and 1 painter and a shop helper. They have Car-O-Liner frame equipment. They converted to BASF 90 line waterborne two years ago. "We are very happy with the decision to go to waterborne, it was a smooth transition and does a great job for us," says Doug. The booth is a Spray Bake downdraft that has been updated for waterborne paint. Doug writes most of the estimates on CCC1. Fred Lowder, his lead technician and shop foreman can also write estimates to assist when needed. All work is done at Tilleman's, in house. The service department does the 4 wheel alignments and air bag installation, computer resets, all the added details on today's cars. The dealership detail department is also part of Doug's responsibilities. In addition to the bodyshop, he handles all the dealership detail requirements.



(I-R) Tilleman Motor Company Body Shop Manager, Doug Hollingshead stands with Fred Lowder, Shop Foreman. Taking a break from 'getting the cars out'.

The customers come from this agricultural, railroad, border patrol and college community. There are no Direct Repair Programs in Havre. The business model here is to work for the customer. "We write a good estimate and go from there," says Hollingshead, "we instill trust in that customer." Much of the claims work is now done by phone, fewer adjusters come to the shop. "We work with the adjuster to reach the agreement to do the right repair for the customer, and we continuously explain things to the customer through the process." He orders all the parts for this shop and uses their own Parts Department when they can. "We don't use many aftermarket parts," quotes Doug, "shipping is a big issue here. If the part doesn't work somebody has to pay the shipping fee."

Customer service and community involvement is a cornerstone of the Tilleman legacy.

Mike Tilleman hosts a celebrity pheasant hunt - Legends for Lights (www.legendsforlights.com) where past NFL legends come to Havre, MT every Fall and all money raised is donated to the Northern Lights Athletic Foundation for the MSU-Northern athletic program, providing scholarships and paying for one full time coaching position.

Body Shop Manager Doug Hollingshead carries on the Tilleman tradition of community involvement. Hollingshead is a Deacon at his church and has been an active member in the Lions Club for 27 years, recently winning the coveted Melvin Jones Award. This Fellowship Award is the highest form of recognition and embodies humanitarian ideas consistent with the nature and purpose of Lionism. When Doug is not managing Tilleman's Body Shop, he enjoys Montana – hunting, camping and fishing. When he is home, he is grilling on his Traeger grille for his lovely wife, Darlene, daughter Tara, daughter Kristi, son in law Christian, grandson Paxton (the boss).

"Tilleman Motors is a great place to be," says Doug. Many of the 50 employees have been with the company for over twenty years. This company is very involved in the community. They are proud to sell American products and generously serve Havre: Montana and America!



OSHA Compliance Reference material

- 1. OSHA Free On-Site Consultation Program
- 2. Compliance Assistance Quick Start
- a. This Quick Start feature is not comprehensive -Quick Start may be helpful as an introduction to the compliance assistance resources on OSHA's website.
- 3. GMG Envirosafe GMG Envirosafe is a service for collision repairers to manage and monitor compliance in EPA, OSHA and DOT. GMG Envirosafe manages compliance requirements and will represent a shop if there is an issue with any environmental concerns

Compliance Assistance Quick Start

www.osha.gov/dcsp/compliance assistance/quickstarts/index.html

Are you ready to learn more about how to prevent workplace injuries and illnesses and comply with the Occupational Safety and Health Act, but aren't sure where to start? By following this step-by-step guide, you can identify many of the major OSHA requirements and guidance materials that may apply to your workplace. Small and new businesses may find Quick Start helpful as an introduction to the compliance assistance resources on OSHA's website.

This Quick Start feature is not comprehensive - there may be additional OSHA standards and guidance materials that also apply to your business. If you are in a state with an OSHAapproved state program, you are subject to state occupational safety and health regulations that may have more stringent or supplemental requirements. These state programs also provide compliance assistance services. Please contact your state program for additional information. In addition, you can request a free, confidential on-site consultation from the OSHA On-site Consultation Program.



Safety and Health Bureau

Steve Bullock, Governor

Free On-site Consultation Program

Introduction

Employers who want help in recognizing and correcting safety and health hazards and improving their safety and health programs can benefit from a free consultation. The consultation program not only addresses immediate problems but also offers advice and help in maintaining continued effective protection. The Montana Department of Labor and Industry Safety and Health Bureau offers free and confidential consultations. There are no citations are issued or penalties proposed as a result of a consultation. The employer's only obligation is a commitment to correct any imminent dangers and other serious job safety and health hazards in a timely manner.

If hazards are known in the workplace, and can be remedied - the company will be in a better position to comply with job safety and health requirements. A consultant can help set up or strengthen a workplace safety and health program, safety and health activities become routine considerations rather than crisis oriented responses.

Our services include (just to name a few):

- · Identification of accidents trends and significant potentials
- Assistance with regulatory compliance
- Recommendations to control and eliminate hazards
- Industrial hygiene services, such as noise and contaminant monitoring

Getting started

How does this process begin? Consultation starts with the company's request! Request a consultation two ways:

- 1. Call: 406.494.0324
- 2. Online:
 - o www.montanasafety.com
 - Right corner of page under Related Links click "Safety and Health for
 - Top of page Free Safety Consultation Program click "Read More"
 - Right corner of page under Related Links click "Request a Safety Consultation'
 - A consultant will be confirming the request.

Please call 406.494.0324 with any questions.

www.montanasafety.com

"MCRS' commitment to member development and employee safety is second to none in the country. I am continually impressed with the dedication they showed to an important issue that is often neglected in shops." Brandon Thomas COO Envirosafe



GMG Envirosafe is a service for collision repairers to manage and monitor compliance in EPA, OSHA and DOT. This company comes into your business and works with each shop's individual needs. GMG Envirosafe manages compliance requirements and will represent a shop if there is an issue with any environmental concerns. They also produce a monthly Compliance Newsletter.

These Montana shops are going to use Envirosafe Compliance Services:

- Rick's Auto Body, Missoula
- Tilleman Motor Company, Havre
- Denny Menholt, Billings
- Collision Craft, Kalispell
- Collision Craft, Polson
- Billion Auto Body, Bozeman
- American Auto Body, Billings
- 3-Way Auto Body, Great Falls
- EZ Body Shop, Manhattan
- Flawless Auto Body, Great Falls
- Hank Tweeten's Auto Body, Havre
- Bill's Classic Auto Body, Malta
- Hank's Auto Body, Billings
- A&D Auto Body, Bozeman
- Capital Collision Center, Helena
- Mitchell's Crash Repair, Great Falls

If you would like to learn more about the Envirosafe program, please all one of these shops or email Janet Chaney, Jchaney.cavecreek@gmail.com or phone cell 480-720-2565

* INSURER ENDS DRP: Travelers has discontinued its direct repair program in Montana. Shops on the "DARS" program in the state received a memo that indicated the insurer had "decided to reduce the number of shops that currently participate," and that the memo served as the 30-day notice that "your shop will no longer participate." But a spokesman for the insurer confirmed the program was ending in the state and the notice was "not intended to reflect on any single repair shop." Travelers' Matt Bordonaro told CRASH Network that as part of the insurer's effort to "ensure regulatory requirements and customer service expectations are met," the need for the program in Montana was "reevaluated" and that it has been discontinued. Montana has several "regulatory requirements" not found in many other states. A 2011 law prohibits an insurer from "unilaterally disregard(ing) a repair operation or cost identified by an estimating system" that the insurer and shop have agreed to use to determine the cost of repair (CRASH 5/2/11). Almost a decade ago, Montana lawmakers passed legislation that requires an insurer to allow any shop meeting the requirements of the insurer's direct repair program to participate in the program (CRASH 2/23/09).

State Farm sued by Louisiana Attorney General Buddy Caldwell for 'unsafe and deceptive' auto repair practices

Louisiana Attorney General Buddy Caldwell announced Tuesday he has filed suit against State Farm Auto Insurance alleging a pattern of unsafe and deceptive business practices regarding vehicle repairs.

The suit, filed Tuesday (Aug. 19) morning on behalf of the state in state district court in Baton Rouge, says the company broke state laws regulating unfair trade practices and monopolies by steering consumers to preferred repaired shops. These preferred shops, called "direct repair facilities," have contractual relationships with the insurance company, Caldwell said. The shops agree to or are somewhat forced by the market to conform to insurance estimates that require them to perform repairs cheaply and quickly, "rather than in accordance with consumer safety and vehicle manufacturer performance standards," a press release from Caldwell's office says.

The direct repair facilities sometimes use "junkyard," "knock-off" or "after-market" parts made in Taiwan, for example, instead of those provided by the manufacturer. The result can compromise safety, as well as aesthetics.

Moreover, his office has found original damage estimates cost 24-29 percent less than what the direct repair facilities charge.

Caldwell, speaking at a press conference Tuesday at his office in Baton Rouge, said he was suing for restitution and civil penalties for each violation.

"This could be a substantial amount of money to hold State Farm responsible for its conduct," said the attorney general, who was surrounded on both sides by five repair shop owners from around Louisiana who helped bring the issue to his office's attention.

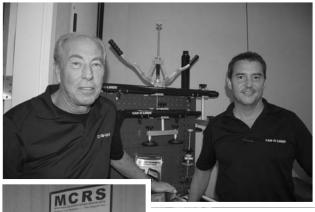
State Farm is the only insurance company named as a defendant, Caldwell said, because the company has a third of the casualty business. But since his office began investigating the practices in March, they've uncovered "hundreds of violations, and they include not just State Farm but the industry itself."

What Made George Washington a Great Leader

In 1777, after yet another defeat at the hands of the British, George Washington was able to convince his demoralized troops to keep pushing forward despite a munitions shortage and harsh winter conditions. It's important to note that Washington didn't succeed because he exerted his power or because he was a master motivator. He succeeded because he was selfless, and was willing to suffer along with his troops. He didn't ask them to do anything that he himself wouldn't do. So let Washington serve as a reminder to us all: Leadership isn't about leaders themselves; it's about the people they lead. And great leaders always find ways to work with people, not above them.

Photo Gallery





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Montana State Law Relating 'Body Repair Businesses'

MCRS is continuing the legislative battle to assist –YOU- in the profitability and sustainability of your business. Please become familiar with Montana law and use accordingly. If you have any questions, please call Bruce Halcro.

Legislative Update: The MCRS Legislative Committee, Bruce Halcro, Max Yates and Mike Mitchell have been keeping a strong presence in Helena. In addition to monitoring current Montana law, MCRS is working closely with Representative Gordy Vance looking at the collision industry parts issue facing Montana collision repairers right now. This summer, MCRS has met with the Department of Insurance and the Attorney General's office building relationships to support Montana's consumer and collision repair industry.

MCRS Forms a Complaint Committee

HB 265, a law designed to require insurers to consider every operation and cost identified by an estimating system when writing physical damage estimates. Effective immediately, the new law states that an insurance company may not "unilaterally disregard a repair operation or cost identified by an estimating system that the insurer and an automobile body repair business or location have agreed to utilize in determining the cost of repair."

This is now law in the State of Montana and MCRS is working closely with the Auditor's office and the Attorney General to see that it is enforced. In order to do that we need documentation from the shops that this law is being ignored. At our April meeting in Great Falls, Jesse Laslovich, Chief Legal Counsel for the Montana State Auditor's Office spoke to the MCRS about how to manage a complaint regarding laws in Montana. At that time, it was decided we need to put together a process. If this law is being broken, a shop needs to document the incident and please email that information to our MCRS Complaint Committee. They will then send that on to Jesse Laslovich at the Auditor's office. If you have a complaint or a question, please email to someone on this committee:

Bruce Halcro: capitalcollision@qwestoffice.net

Rick Booth: rick@ricksautobodymissoula.com

Mike Mitchell: crashrepair@bridgemail.com

Max Yates: max@yatesbodyshop.com

Montana Code Annotated 2011

Previous Section MCA Contents Part Contents Search Help Next Section

33-18-224. Designation of specific automobile body repair businesses prohibited. (1) (a) An insurance company, including its producers and adjusters, that issues or renews a policy of insurance in this state covering, in whole or in part, a motor vehicle may not:

- (i) require that a claimant under the policy use a particular automobile body repair business or location for an estimate or a repair:
- (ii) engage in any act or practice that intimidates, coerces, or threatens a claimant or that provides an incentive or inducement for a claimant to use a particular automobile body repair business or location; or
- (iii) unilaterally disregard a repair operation or cost identified by an estimating system that the insurer and an automobile body repair business or location have agreed to utilize in determining the cost of repair.
- (b) An insurance company, including its producers and adjusters, that issues or renews a policy of insurance in this state covering, in whole or in part, a motor vehicle may have access to the motor vehicle for purposes of preparing a competitive estimate.
- (2) (a) Except as provided in subsection (2)(b), if an insurance company has direct repair programs with automobile body repair businesses or locations, the insurance company may not limit the number of automobile body repair businesses or locations with whom it maintains direct repair programs.
- (b) An insurance company may limit the number of automobile body repair businesses or locations participating in the insurance company's direct repair program to those automobile body repair businesses or locations that comply with the provisions of subsection (2)(c). An insurance company is not required to establish a direct repair program in a particular market area in which the insurance company's number of policyholders does not support establishing a direct repair program with any automobile body repair business or location.
- (c) Upon request, the insurance company shall provide, without prejudice or bias, the claimant with a list that includes all automobile body repair businesses or locations that are reasonably close or convenient to the claimant and willing to provide services and that meet the insurance company's criteria regarding whether the automobile body repair business or location:
 - (i) possesses the equipment necessary to undertake repairs;
- (ii) undertakes training of management and technical personnel with respect to repair information and the claims process;
- (iii) agrees to perform quality repairs at the market price and that meet reasonable industry repair standards;
- (iv) agrees to warrant the quality of work, including refinishing, in writing to the claimant, for a period of not less than 1 year from the date of repair:
- (v) agrees to inspection of its repairs and services by the insurance company and agrees that the insurance company may terminate the direct repair program with the automobile body repair business or location if the repairs and services are below the standards of quality required by the insurance company; and
- (vi) if requested, agrees to execute an agreement with the insurance company that may contain additional criteria that are not designed to unfairly limit the number of automobile body repair businesses or locations with whom the insurance company maintains direct repair programs. The additional criteria may include criteria determined to be necessary by the insurance company and designed to ensure that the automobile body repair business or location has the necessary estimating systems and programs and equipment to communicate electronically with the insurance company and that the automobile body repair business or location has taken steps to ensure the privacy of the insurance company and the claimant.
- (d) If the claimant requests the list provided for in subsection (2)(c), the insurance company shall inform the claimant that the claimant may use an automobile body repair business or location at the sole discretion of the claimant.
 - (3) For the purposes of this section, an incentive or inducement does not include:
 - (a) providing a claimant with the list provided for in subsection (2)(c); or
 - (b) referring to a warranty issued by an automobile body repair business or location.
- (4) The claimant may use an automobile body repair business or location at the claimant's sole discretion, and the insurance company shall pay for the reasonable and necessary cost of the automobile body repair services for covered damages, less any deductible under the terms of the policy. This section does not require an insurer to pay more for automobile body repair services than the market price, as defined in 33-18-222.
- (5) If the claimant uses an automobile body repair business or location that is not on a list provided for in subsection (2)(c), the insurance company may not be held liable for any repair work performed by the automobile body repair business or location chosen by the claimant.
- (6) It is unlawful for an automobile body repair business or location to charge or agree to charge a claimant more than an uninsured customer for any automobile body repair service.
- (7) An insurance company that contracts with an independent adjuster may not be held liable for the independent adjuster's failure to comply with the terms of this section.
 - (8) For purposes of this section:
- (a) "automobile body repair business or location" does not include a business or location that exclusively provides automobile glass replacement, glass repair services, or glass products;
- (b) "claimant" means the person seeking repair of a motor vehicle whether that person is the insured person or a third party making a claim against the insurer.

History: En. Sec. 1, Ch. 292, L. 1997; amd. Sec. 5, Ch. 526, L. 1999; amd. Sec. 5, Ch. 345, L. 2001; amd. Sec. 1, Ch. 407, L. 2005; amd. Sec. 1, Ch. 339, L. 2007; amd. Sec. 4, Ch. 192, L. 2009; amd. Sec. 1, Ch. 290, L. 2011.



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