



Recyclers News Press

Iowa Auto Recyclers

January / February 2015

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Iowa Auto Recyclers Annual Hill Day

What to expect at IAR Hill Day. Members should expect IAR Hill Day to introduce them to the role business and industry have in the legislative process. Politics plays a larger role in how business works than most people think. The Iowa Legislature sets policies that direct agencies like the Department of Transportation and the Department of Revenue as to how to implement state laws pertaining to automotive titling, acquisition and sales as well as issues that have a direct impact on how a small business is run.

IAR Hill Day is your opportunity to get involved in and help shape this process. First time and veteran participants are invited to attend the Board of Directors and Members Strategic Planning Session

on Wednesday, February 25, 2015 at the Embassy Suites in Des Moines. The meeting will also include a briefing where staff will give participants a course in advocacy, answer questions about what to

expect on Thursday, and offer an opportunity to discuss the auto recycling issues in more depth with the IAR's policy experts. Lobbyist Jim Piazza Jr. will be on hand to provide guidance. **A big THANK YOU is given to event sponsors Auto Data Direct and LKQ Government Affairs.** Expert, Kevin Fisk (LKQ), will also be available to provide the national prospective.

Later, from 7-9:30 pm, a sponsored PAC reception will be hosted by IAR and LKQ. All members are encourage to attend one or more of the events on the agenda.

Continued on page 12...



Auto Recyclers Insurance Program

Wells Fargo Insurance welcomes the opportunity to serve IAR and is committed to assist you as your endorsed insurance program. They are constantly seeking to improve the services provided. Their experienced staff, along with innovations in technology, plan design, and reporting, ensures that clients will be

more secure in their insurance plans than ever before. Their clients range from individuals and other small businesses to associations and their members. Their expertise in automotive recycling facilities and their nationwide experience will give you the competitive edge in insurance coverage.

Continued on page 9...



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Recyclers News Press

The RECYCLERS NEWS PRESS is published six times per year for the Iowa Automotive Recyclers. None of the material in this publication necessarily reflects the opinion of IAR, its officers, director, staff members or advertisers. Statements of fact and opinion are the responsibility of the author.

IAR Members are encouraged to submit material for publication in the Recyclers News Press. Content may be edited for length with the author's permission.

Deadline for submission is the 20th of the month prior to publication. Send content to Sue Schauls at Schauls3@mchsi.com with a full color graphic when possible.

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Visit our website! www.IowaAutoRecyclers.com

From the Desk of the Executive Director

Sue Speaking

As we started the New Year, the flurry of activity reminds me of how far we have come in just four short years especially with major legislative interest right out of the gate! *I think putting a strategy in place helped!*

Membership renewal is coming along nicely just in time to update the **Who's Who Directory**. I like to get the new one printed and distributed well before the Summer Outing activity kicks in to high gear in spring.

Hill Day is right around the corner too. The full schedule is on page 12 of this edition. I'd love to see some new faces again this year. Once a member goes to the Capitol and participates in the process of law-making they get "the bug" and realize how important participation is in the legislative process. This year I'd like to extend a personal invitation for members, both Direct and Associate, as well as other industry contact to at least plan on attending the Wednesday, February 25, 2015, evening **PAC reception**. As an appreciation

event for contributors and an introductory welcome reception for those curious about the process. If you already plan to attend then reach out to another Member and bring them along. It can't be that hard to convince someone to come out for free food and drinks with a great bunch auto recyclers, even in Iowa in the winter!

You may even decide to come to the **Legislative Breakfast on Thursday, February 26, 2015, 7-9 am** in the State Capitol Building. Call me if you plan to come, I'll bring you a shirt! You will learn something!

Just a couple of weeks after the Iowa Hill Day events, we'll be headed to Washington D.C. for the **national Hill Day and Legislative Forum** taking place March 16-17, 2015. We'll have a chance to meet "newbies."

Then before you know it we will be fully into our conference season. Of course planning for the annual Iowa Auto Recyclers **Summer Outing 2015** is well under

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From the Desk of the Executive Director

Sue Speaking

way. We have reserved meeting and trade show space at **Prairie Meadows in Des Moines, Iowa for May 29-30, 2015**. The larger centrally located venue will allow us to put on the biggest show yet! Vendor registration forms are available now on the website at www.IowaAutoRecyclers.com. Since we have the space we will be lifting the "Members Only" invitation and be openly inviting anyone making a positive contribution to the automotive recycling industry.

We will also be presenting a full day agenda of training and of course the stellar trade show with many old friends and new vendors to share and learn about the latest technology and products.

The **Summer Outing** is a welcomed opportunity for members to network with their industry peers. I'd also like to pause a bit this year and honor those that came before us or have contributed greatly to our success. So if you have some **old photos of Members** we've lost or just lost touch with, please send them my way. You can email or post to our Facebook page and I'll grab them from there! Who know what will turn up, there have been so many good times together and I hope that this year will be one more for the scrapbook.

Thanks for listening,
Sue Schauls

Sue Schauls, Executive Director

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Iowa Automotive Recyclers Board of Directors Meeting

December 16, 2014 5:15 pm
Teleconference

Members present: Andy Wilken, Sue Schauls, Tracy Hurst, Mike Swift, Brad Osborn, Eric L. Piper, Mike Davidson, Tom Quandt, Eric C. Piper, Brent Nugent, Jordan Barkow, Mike Waterbury, Joel McCaw and David Hesmer.

President Andy Wilken called the meeting to order at 5:20 p.m. with an Antitrust reminder.

New Business:

IAR Insurance Program – Brad, Andy and Sue met with Bill Velin from Wells Fargo Insurance for a lunch meeting on Tuesday, December 16th. This was a great way to ask questions about the insurance program and to determine if it would be a benefit for the IAR to offer an association group policy through the ARA. After some discussion, Mike S. made a motion that we open an IAR-Wells Fargo Insurance plan in which we would share royalties with the ARA. There was a 2nd by Jordan; motion carried.

Promotional Campaign and Green Recycled Parts– Sue asked Mike S. to explain to the Board members about the promotional Green Recycled Parts logo begun at the national level with the ARA. It originally began in Canada with some stipulations for its use. To use the GRP logo members must be CAR (or I-CARE in Iowa) certified by July 15, 2015.

Green Recycled Parts can dovetail into the existing IAR plan to conduct a promotional campaign raising awareness of the financial and environmental benefits of buying recycled parts and the consumer protection advantage of working only with licensed & compliant auto recyclers. In addition to maximizing the GRP

resources other ideas were brainstormed on ways to promote the recycling industry which included the following: Who's Who directories mailed to all repair/body shops, develop a special edition of the newsletter mailed to repair shops, create a poster for members to use for public awareness, use ARA canned material, use of social media outlets, articles to chambers of commerce and t-shirts to customers.

Sue suggested we put together a project plan, list our resources and make a calendar for a plan-of-action and to begin this process with a committee. That committee will include: Jordan, Eric, Mike S., Andy and Sue and members at large who want to participate.



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Iowa Automotive Recyclers Board of Directors Meeting

December 16, 2014 5:15 pm
Teleconference

Legislative Priorities – Sue said she is waiting to hear back from Bill Brauch, Attorney General's Office, in regard to the rebuilder tax following their meeting in November. She will talk to Clyde and then one of them will follow up with a reminder call to Bill if they decide it's necessary at this time.

Sue and Mike S. met with Jim Piazza last week to discuss legislative priorities. They talked about getting at least two bills drafted: NMVTIS in Iowa and sales tax on the public in the sales pool.

Member Survey – Sue wanted to follow up with member Jeff Poell's suggestion to conduct a member survey. Ideas to ask: how is business now, what are legislative priorities specific to the NMVTIS process, and how do members receive recyclers news. Sue will continue to work on this survey.

Other Business:

Harmari Report – Sue asked about sending email to Craigslist posts to alert of scrapper definition info and dealer identification to discourage fraud.

Sue asked about purchasing a new insurance adjuster master list. Brent made a motion to purchase a new insurance adjuster list for the Who's Who mailing; Mike S. seconded the motion; motion carried. Sue said she will also check on body shops and repair shops lists.

Meeting Schedule

January 13, 2015 – 5:15 pm – Conference call
February 25-26, 2015 – Board Meeting and Hill Day Events Embassy Suites in Des Moines, Iowa
March 16-18, 2015 ARA Hill Day, Washington DC
March 24, 2015 – 5:15 pm – Conference call
April 21, 2015 – 5:15 pm – Conference call
May 29-30, 2015 – Board meeting at IAR Summer Outing & Trade Show
June 6, 2015 10am – 4pm – **Crush Cancer**, fundraiser Swift's Trails End Auto Recycling, Des Moines
June 16, 2015 – 5:15 pm – Conference call

Brent made a motion to adjourn with a 2nd from Eric. The meeting was adjourned at 6:40 p.m.

Respectfully submitted

Jeff Smid

Jeff Smid, Secretary

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Insurance Program for Iowa Auto Recycler Wells Fargo Insurance Endorsed

The New Year brings exciting opportunities for Iowa Automotive Recyclers members! Effective January 1st, 2015, the **Iowa Auto Recyclers have endorsed Wells Fargo Insurance as the new insurer for the business insurance for their members.**

Wells Fargo Insurance is the exclusively endorsed agent for the national Automotive Recyclers Association. Our dedicated agent, Bill Velin and his staff at Wells Fargo Insurance, has been writing business insurance for the national ARA since mid-2010. The new opportunity comes to IAR after networking with Bill at ARA conventions and hearing of the many trials and tribulations of recyclers insurance coverage issues, cost woes and the changing insurance matrices. IAR President Andy Wilken and Vice President Brad Osborn met with Bill and Sue in December to hammer out the details of an endorsed program.

“We feel it is time for the Iowa Auto Recyclers to look at this insurer like the national ARA did. Once we met with Wells Fargo Insurance we wholeheartedly decided to endorse them as well.”

Wells Fargo Insurance represents most of the carriers nationally that write automotive dismantlers and recyclers. They do not limit the program to one single carrier (they have sev-

eral that they work with in Iowa), they write all lines of coverage including the workers compensation, and they are one of few agents that has a “backroom” of services that most agents do not.

Some of those services are a *claim department*, which will report and handle claims for Recyclers so owners can run their business instead of playing claim adjuster, and a *Risk Management and Loss Control department* that specializes in all aspects of Loss Control such as Safety, Replacement Cost valuations on facility buildings, OSHA , etc.

With IAR’s support of this national Recyclers Insurance Program come many benefits of synergy and expertise not found elsewhere. Members should make every effort to take advantage of the Wells Fargo Insurance assessment to improve coverage and possible save money with a move of members’ businesses to Wells Fargo Insurance.

At the meeting with Bill Velin, it became painfully apparent that a specialist in our industry brings a lot to the table. There was more than one moment when we realized the insurance industry has become a complex web of options and having someone to take a look at an existing policy and “right-size” it to an auto recyclers industry needs is more important than ever.

Bill’s staff at Wells Fargo Insurance will be sending out a letter to every member soon, outlining the quickest way to transition your business insurance to Wells Fargo Insurance. After the thorough analysis, facilities with policies held by any number of particular carriers will be able to switch the business at renewal, or, if preferred, can switch it seamlessly right away if it is

written with one of the participating carriers in the Wells Fargo Program.

The service and stability of being a member of this program will not only stabilize the market-

place for our members but will also result in broader coverage at better pricing than has been available to us in the past.

Please feel free to call Sue at 319-290-7843 or, call the expert, **Bill Velin – the agent for the Program, at 952-242-3111** if you need to discuss the new program opportunity, request a policy analysis or if you have any urgent matter that require immediate attention. Thank you!



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Hill Day is February 25-26, 2015

Iowa Automotive Recyclers

The annual Hill Day will be held on Thursday, February 26, 2015. Starting at 7 am in the Legislative Dining room of the State Capitol.

Following our traditional format, Iowa Auto Recyclers will host a breakfast from 7 to 9 am. During that time Legislators will be welcomed to come and discuss our issues and answer questions. A guest speaker will present a short legislative briefing at 8:45 am. Following the breakfast we will head upstairs to meet personally with your local Representative and Senator. *You can let your legislator know that you will be in town on February 26th. If possible ask for a specific time to meet and make an appointment to visit your local legislator at the Capitol.*

Iowa Automotive Recyclers Hill Day Agenda February 25-26, 2015

February 25, 2015 3:00 -5:00 pm

Board of Directors & Members
Strategic Planning Meeting
Embassy Suites - Salon D
101 East Locust Street, Des Moines

5:00-7:00 pm

Embassy Suites Nightly Guest Reception

7:00-9:30 pm

PAC Fundraiser Reception
Embassy Suites - Salon D
101 East Locust Street, Des Moines

February 26, 2015

7:00-9:00 am

Legislative Breakfast
Legislative Dining Room at Capitol

9:00 – 2:00 pm

Members meet with Legislators from their home districts & Jim Piazza, Jr.

The Iowa Automotive Recyclers will host the 4th Annual Hill Day on February 26, 2015 in Des Moines. Like in previous years, the Legislative Breakfast will be held from 7:00 am to 9:00 am in the Legislative Dining Room of the Iowa Capitol Building. A shuttle will be provided from the host hotel, *the Embassy Suites in Des Moines, Iowa*. At the event IAR Members will meet and greet Legislators with coffee, donuts and breakfast sandwiches to share information about our industry's positive impact on the economy, local jobs and the environment and discuss leveling the playing field for parties active in the business of recycling automobiles in Iowa.

Members should invite their elected Senators & Representatives to attend the 7-9 am breakfast in the Legislative Dining Room.

The event will be held in conjunction with a Board of Directors & Membership Meeting on February 25, 2015 at 3 pm at the Embassy Suites. That evening the Iowa Automotive Recyclers will also host a Political Action Committee or **PAC Reception at 7:00 pm at the hotel** as an appreciation event for PAC fund contributors as well as an opportunity for those who would like to learn more about PAC donations. Hors d'oeuvres will be served at this fundraiser reception and networking event. *If you have any questions regarding this event, please contact me at 319-290-7843 or schauls3@mchsi.com.*

How Does an Idea become a Law? A former state representative shares some insight with us on the next page. Thanks for sharing your expertise Anesa!

**By Anesa Kajtazovic,
Marketing Consultant,
Former State Legislator**



How Does an Idea become a Law?

Hill Day February 25-26, 2015

By Anesa Kajtazovic

What changes are needed, either in your profession or community? The chances are, like most people I talk to, you have ideas. The good news is that we live in a great country, where we can get involved to better our communities. It is not as hard as it might seem. Here's a quick run-through of our legislative process and how our laws are made each year.

Every year, the legislature convenes in January and usually ends in April or May. Each elected official serves on average of four to five committees. They are confronted with issues not only in their committees and within their expertise but a wide range of issues, often with no prior encounter or knowledge of the subject matter. The good news is that many are willing to learn and listen to their constituent concerns.

Approximately 2,000 bills are introduced in a given session and about 100 become law. Bill ideas come from various diverse sources, including constituents, organizations, businesses, etc.

There is absolutely no limit to where those bill ideas could come from. I've seen an 11 year old, joined by parents and a small group of community supporters, come to the Capitol to educate the legislators and have their bill pass as a result of their work as concerned citizens. Sometimes, it takes a couple of years or more to see the results.

First, a legislator needs an idea to submit to a bill drafter. The bill draft needs to be approved, modified, or declined by the lawmaker. If the lawmaker approves the language in the bill, it's introduced to the House or Senate Chamber.

The next step for the bill is to be assigned to a committee. The committee chair first assigns the bill to a subcommittee. During a typical three member sub-committee meeting, the public has the opportunity to join and be part of the discussion. If the bill passes the subcommittee, it becomes eligible for a committee vote. Assuming the bill is moved before the committee and passes; it is qualified for a floor vote. If the leadership decides to move the bill for-

ward, the entire House or Senate body votes on the bill. Once it passes one chamber, the bill has to pass the other chamber in the exact format, and then it goes on the Governor's desk for approval or veto. It is common for a bill to be changed multiple times from introduction to final passage. Your bill idea can be added to a relevant bill in a form of an amendment.

A few tips on your idea delivery. Be concise. Present what the current obstacle is and perhaps how it can be improved. Sharing real life examples can be effective. Public support for a bill idea can also have an impact. Yes, take your idea to your elected official. Feel free to use an 11 year old for inspiration! To recap the steps:

- 1) Idea; 2) Bill Draft ; 3) Introduced to Committee;
- 4) Assigned to Subcommittee; 5) Committee Vote;
- 6) Eligible for House or Senate vote;
- 7) Passes both Chambers; 8) Governor's desk

(Assuming the bill passes each of these hurdles, if not, the bill is dead for the session, unless it's added in amendment format.)

Iowa Automotive Recyclers

Hill Day February 26, 2015

The Iowa Automotive Recyclers will host the 4th Annual Hill Day on February 26, 2015 in Des Moines. Breakfast will be held from 7:00 am to 9:00 am in the Legislative Dining Room of the Iowa Capitol Building. Shuttle from the host hotel, the Embassy Suites, or park on the capital campus. A PAC fund-raiser will be held the evening before the event.

Please RSVP to Sue at
Phone: 319.290-7843
E-mail: Schauls3@mchsi.com

February 25, 2015

4:00 - 6:00 pm Annual Strategic Planning meeting
6:30-11:30 pm PAC Reception

February 26, 2015

7:00-9:00 am Breakfast Legislative Dining Room at Capitol
8:45 am Guest Speaker
9:00 - 2:00 pm
Members meet Legislators



IOWA AUTO RECYCLERS ASSOCIATION SCHOLARSHIP

APPLICANT CRITERIA:

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 - Be a recycling yard owner or relative of the recycling yard owner who is a direct member of the Iowa Auto Recyclers. The owner of the recycling yard must be employed at the recycling yard, and not at other enterprises owned by the recycling yard.
 - "Relatives" may include a son, daughter, grandchild, son-in-law, daughter-in-law, or spouse of the owner.
 - Brothers, sisters, uncles, aunts, nieces, or nephews of the owner will not be eligible to participate unless employed in the business.

OR

- Be an employee or dependent of an employee of the member yard who has been employed for one year or more.
- Applicant must remain a degree-seeking student, enrolled at least full-time (a minimum of 12 credit hours per term).

APPLICANT GUIDELINES:

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- Applicants must remain enrolled in the same accredited four-year college, accredited university, state college, community college or business or liberal arts school for at least one year after accepting scholarship funds to be eligible for the full award.
- Obtain a letter from your parents' employer confirming date of hire with the firm. Your parent must have been or will be employed with a full member of the Iowa Automotive Recyclers for at least one year prior to application.

All candidates will be required to submit a complete application package, which includes a completed application form, transcripts, essay and two recommendation forms to:

IAR SCHOLARSHIP COMMITTEE ATTN: JODI KUNDE 55 WEST 32ND STREET DUBUQUE IA 52001,
you can e-mail any questions to Jodi at iarscholarship@gmail.com.

DEADLINE DATE: The deadline for receipt for all application materials must be received by the IAR scholarship committee by midnight MARCH 15TH. Up to \$5000.00 will be awarded in scholarships for the fall term. The winners will be notified in writing in April and will be posted on the IAR website.

The scholarship award check will be forwarded to the scholarship recipient's school upon written certification of his/her enrollment for the fall term of the year the scholarship was granted. If the scholarship winner does not provide enrollment verification for the fall term the scholarship monies will be forfeited.

SCHOLARSHIP SELECTION: The scholarship will be awarded based on review of the following: course work in high school, course distribution, activities, the one page essay and recommendations. ***Standardized test scores will NOT be used as a factor in the selection process.***

IOWA AUTO REYCLERS SCHOLARSHIP APPLICATION

NAME:

_____ (First)

_____ (Middle)

_____ (Last)

MAILING ADDRESS: _____

HOME PHONE: _____

E-MAIL ADDRESS: _____

DATE OF BIRTH: _____

GENDER: MALE / FEMALE

CURRENTLY ATTENDING: _____

(INDICATE HIGH SCHOOL OR OTHER SCHOOL)

HIGH SCHOOL HONORS, AWARDS, AND ACTIVITIES: _____

COMMUNITY SERVICE AWARDS AND ACTIVITIES: _____

STATE YOUR FINANCIAL NEED, WHAT PORTION OF EDUCATION FUNDED BY YOURSELF: _____

SCHOLASTIC INFORMATION:

ACT TEST SCORE _____

SAT TEST SCORE _____

RANK IN CLASS _____

OF _____

CURRENT GPA: _____

HONORS AND AWARDS (STATE NATURE AND YEAR OF AWARD OR HONOR): _____

OFFICES AND POSITIONS OF LEADERSHIP (STATE NAME OF ORGANIZATION AND YEAR, EX: BAND 9, 10) _____

WHAT ARE YOUR SHORT AND LONG-TERM CAREER OBJECTIVES? _____

IOWA AUTO REYCLERS SCHOLARSHIP APPLICATION

WHAT DO YOU SEE YOURSELF DOING FIVE YEARS FROM NOW? _____

ANY ADDITIONAL INFORMATION WHICH MAY BE USEFUL TO SCHOLARSHIP COMMITTEE:

SCHOOL YOU WILL BE ATTENDING: _____

ANTICIPATED MAJOR: _____ EXPECTED GRADUATION DATE: _____

WHICH DIRECT MEMBER/YARD ARE YOU AFFILIATED? _____

NAME OF PARENT WHO HAS BEEN EMPLOYED BY A DIRECT MEMBER OF IAR FOR AT LEAST ONE YEAR? _____ START DATE? _____

NOTE: transcripts, essay, and recommendation forms should accompany scholarship application.

APPLICANT SIGNATURE: _____ DATE: _____



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RECOMMENDATION FORM

IOWA AUTO RECYCLERS ASSOCIATION SCHOLARSHIP

Name of Applicant: _____

School: _____

How long and in what capacity have you known applicant: _____

Please state why you feel this applicant would be a good choice as a recipient of this scholarship?

How firm is the applicant's commitment to his or her career? _____

Signed: _____ Date: _____

Title or Position: _____

#####

SCHOOL VERIFICATION

As of _____ the student listed above had a grade point average of _____

ACT Test Score: _____ ACT Test Score: _____ Rank in Class: _____

OF STUDENTS IN APPLICANTS CLASS: _____

Signed: _____ Position: _____

NHTSA on Counterfeit Airbags

ICRA Introduces HSB 53 on Airbags

NHTSA is aware of a problem involving the sale of counterfeit air bags for use as replacement parts in vehicles that have been involved in a crash. While these air bags look nearly identical to certified, original equipment parts — including bearing the insignia and branding of major automakers — [NHTSA testing](#)¹ showed consistent malfunctioning ranging from non-deployment of the air bag to the expulsion of metal shrapnel during deployment. NHTSA has identified certain vehicle makes and models for which these air bags may be available and believes this issue affects less than 0.1 percent of the U.S. vehicle fleet. Only vehicles which have had an air bag replaced within the past three years by a repair shop that is not part of a new car dealership may be at risk. For the full report visit the NHTSA website at www.safercar.gov.

The Iowa Collision Repair Association proposed **House Study Bill 53** [An act relating to counterfeit, non-functional, or un-safe air bags, providing penalties, and including effective date provisions]. This bill provides that a person who manufactures, imports, installs, or sells any device with the intent that the device replace an air bag in a motor vehicle, and who knows or reasonably should know under the circumstances that the device is a counterfeit, nonfunctional, or unsafe air bag, or causes a motor vehicle's diagnostic system to inaccurately indicate that the motor vehicle is equipped with a functional air bag when a counterfeit or nonfunctional air bag is installed, or when no air bag is installed, is guilty of an aggravated misdemeanor punishable by up to two years in prison and up to a \$6,250 fine. <https://www.legis.iowa.gov/docs/Published/LGI/86/HSB53.pdf>



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ARA Updates

Industry news from the national association

New National Highway Traffic Safety Administration (NHTSA) Administrator Weighs in on Recall Issues

The New NHTSA Administrator, Mark Rosekind, was sworn in on December 22 and has since publicly discussed the issue of auto recalls and his agency's operations overseeing vehicle defects. Rosekind predicts that greater publicity about auto safety issues, including Congressional hearings on the faulty GM ignition switch and Takata airbags, will increase the number of recalls in 2015. During 2014 approximately 60 million vehicles were under a safety recall and NHTSA heard from over 75,000 vehicle owners about potential defects, up from approximately 40,000 the previous year.

Rosekind has also stated that improving the vehicle defect analysis and recall system currently in place at NHTSA is a top priority and that the entire process is being reviewed. Rosekind stated that "...it's all about safety. I am open to working with the manufacturers or whoever it is that is going to help move safety forward".



In a further effort to improve the safety culture at NHTSA, Rosekind said that he will push for additional authority, resources, staff and technology. He found the agency to be severely underfunded particularly since its budget, which is approved by Congress, has remained flat for the past decade. In addition, he noted that fewer than 50 employees currently review all safety defect issues. ARA is requesting a meeting with Administrator Rosekind to continue the dialog we have had with his predecessors on these issues.

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ARA Updates

Industry news from the national association

ARA Applauds Dismissal of Lawsuit Against West Virginia Body Shop; Decisions Affirms the Utilization of Recycled OEM Parts

MANASSAS, VA – The Automotive Recyclers Association (ARA) applauds the recent ruling by a West Virginia judge to dismiss a lawsuit filed in December 2011 by then-Attorney General Darrell McGraw that attacked a collision repair facility's utilization of recycled OEM parts.

The ruling in Kanawha County follows the June 2014 ruling by the West Virginia Supreme Court of Appeals that also affirmed the use of salvage/recycled OEM crash parts in vehicle repairs.

While this specific litigation has been going on for several years, this final ruling ends decades of mischaracterizing recycled, OEM parts as aftermarket in the state of West Virginia.

In December 2011 the state of West Virginia filed a complaint and petition for injunction against Liberty Mutual Insurance Company and Greg Chandler's Frame & Body, LLC, alleging that the defendants violated the state's Automotive Crash Parts Act and Consumer Credit and Protection Act by repairing new vehicles using salvage crash parts without obtaining the written consent of the motor vehicle owner at the time of the repair. The Crash Parts Act requires body shops and insurance companies to disclose to vehicle owners the use of certain replacement crash parts in repairs conducted within three years of the repaired vehicle's original manufacture date, as well as written consent from the vehicle owner to use aftermarket crash parts and the distribution of a statutory notice to the owner that aftermarket crash parts have been used.

In a January 3, 2012 letter to then-Attorney General Darrell McGraw, ARA expressed disappointment about statements published by McGraw's office regarding "recycled"/"salvaged" automobile parts, specifically objecting to references classifying recycled/salvaged parts to "junkyard parts". "The AG's derogatory and misleading characterization of recycled/salvaged automobile parts does a disservice to consumers in West Virginia," said ARA in the letter. ARA also distinguished between aftermarket and recycled OEM parts, writing that "these quality "green" auto parts also meet the performance, safety, fit and durability standards of the OEM."

In a June 2014 opinion, the West Virginia Supreme Court of Appeals considered the applications of the Crash Parts Act and the Consumer Credit and Protection Act and found neither statute prohibited body shops or insurers from utilizing recycled/salvaged parts, and, moreover, applauded the insurers for using measures to reduce premium costs for their customers. The Court ruled that aftermarket crash parts and salvage/recycled OEM crash parts are diametrically different products and not interchangeable in the context of the statute. Thus, the use of salvaged/recycled OEM parts by Liberty Mutual and the collision repair shop did not violate the Crash Parts Act.

The lower court that ruled on January 12 originally ruled in favor of McGraw's office and the case went on appeal before state Supreme Court justices, who reversed the decision and sent it back to circuit court. Kanawha Circuit Judge Charles King subsequently entered an order in favor of Liberty and the body shop owner, Greg Chandler of Greg Chandler's Frame & Body, LLC.



"Together, these ruling are a significant step forward for the professional automotive recycling industry and the increased utilization of genuine, recycled OEM parts," said ARA CEO Michael Wilson in response to the circuit court's ruling. "ARA applauds the West Virginia courts for recognizing the value of recycled OEM parts to automotive consumers, collision repairers and insurance companies, and for supporting the demonstrated role of professional automotive recyclers in today's automotive marketplace."

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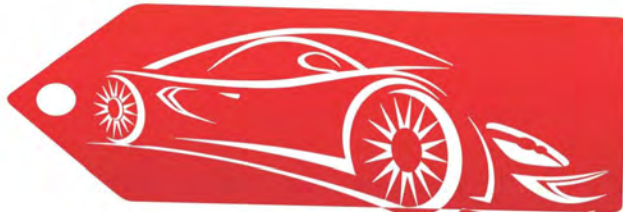
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