



# Oregon

Kate Brown, Governor

## Department of Consumer and Business Services

Division of Financial Regulation

350 Winter St. NE, Room 410

P.O. Box 14480

Salem, OR 97309-0405

June 22, 2018

Aaron Schulenburg, Executive Director  
Society of Collision Repair Specialists  
P. O. Box 909  
Prosser, Washington 99350

Re: Your letter of June 21, 2018

Dear Mr. Schulenburg:

Thank you for your letter of June 21, 2018, addressed to Laura Cali Robison. Please update your records to reflect Andrew Stolfi was appointed Administrator of the Division of Financial Regulation in December of 2017.

Our mission at the Department of Consumer and Business Services is "Protecting consumers and workers while supporting a positive business climate." The Division of Financial Regulation has regulatory authority over insurance companies, agents, and other specified financial institutions. We have a dedicated team of consumer advocates who assist consumers when they have questions or experience difficulties with the industries we regulate. Our jurisdiction does not extend to body shops, contractors, or other service providers that may be involved in the claims process.

Your letter primarily focuses on repair facilities following manufacturer's recommendations. There are no statutes or rules that we can identify that specifically address manufacturer's recommendations. We do receive complaints and inquiries involving disagreements over the amount to be paid for a claim. It's important to make a distinction when discussing claims issues to differentiate between consumers who are dealing with their own insurance companies and consumers who are pursuing liability claims.

Policy language applies when a consumer has a disagreement over the amount to be paid by his or her own company. Our agency can determine whether the insurance company is in compliance with the Insurance Code and the terms of the policy and we can advise the consumer about the dispute resolution process.

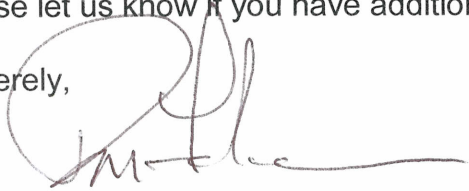
With a liability claim, the insurer is responsible for damages their insured is legally obligated to pay. In other words, what would a court of law determine to be reasonable damages? Our agency can contact the insurance company to determine whether the claim was properly investigated but we do not have the authority to determine damages. In our experience, most liability claims are resolved by negotiation. If agreement cannot be reached, only a court of law can determine damages.

Page 2

In either case if consumers experience difficulties with the repair shop of their choice, we would we refer them to the Oregon Department of Justice.

Please let us know if you have additional questions or concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read 'R. Fredrickson', with a long horizontal flourish extending to the right.

Ronald C. Fredrickson, CPCU, CLU, ChFC  
Senior Policy Analyst  
Division of Financial Regulation  
503-930-0346  
[ronald.c.fredrickson@oregon.gov](mailto:ronald.c.fredrickson@oregon.gov)