



NEWS • REPORT

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PRESIDENT'S LETTER

Notice: If you are a collision shop owner or manager and you do not plan on hiring any future repair technicians then there is no need to read any further.

For those of you still reading, let's ponder some thoughts.

Where are you going to find your future collision repair technicians?

The first idea that comes to mind is, I will place an ad in the local paper and see if I can lure an employee away from a fellow shop owner. I will tempt him with the notion that working for me is better than working for his present employer and then proceed to tell him why. I will then sweeten the pot by offering him more money than he is currently making, meanwhile wondering if I can really afford to do that based on rising costs of operating a collision shop and a less than adequate labor rate. I will then attempt to seal the deal with offering signing bonus and then ask "when can you start?" So just for conversation let's say that technician signs on the dotted line and jumps ship to the competitor shop down the street. Now the shop owner that lost an employee repeats that same process and on and on this sad story goes. I don't think we want our industry to turn into professional sports where we just keep trading employees.

The problem we have in our industry is, we are not attracting enough young new technicians to our industry. It is not just a problem in North Dakota, it is a nationwide problem.

So what do we do to solve it?

When asked, I attend the numerous career days at local high schools and speak to young boys and girls interested in our industry. They are bright eyed and ask a lot of questions. I offer them to tour my shop in hopes of attracting new blood to our industry and some do actually follow through with their career choice and become employed statewide. I also think that we as an industry need to educate the schools about our industry and its career potential. I would hope that when a young student is considering a career choice and is meeting with a guidance counselor at their school,

the counselors support the student and don't try to talk them out of their decision based on the counselors lack of knowledge of our industry.

I have served on the NDSCS Advisory Committee for collision repair for many years. One of the issues that keeps coming up is, declining enrollment. It is not just a problem isolated to NDSCS, but pretty much all of the trade schools in our region. One school is rumored to be closing next year another very uncertain of its future.

When I graduated from NDSCS in the mid 1980's we had 51 students in my class, Fast forward to 2015 and the enrollment is at 10. These numbers are very consistent with enrollment at most trade schools in the area which does not benefit our future. We all know that if we hire a student fresh off a 2 year degree that he or she still has an uphill learning curve, but we accept that and educate and mold that technician to fit our need.

So what would happen if we no longer have a quality option of training our future technicians within our region? Would you as a shop owner be willing to recruit a young technician fresh out of high school and train him at your shop?

I think it's safe to say we as shop owners have plenty of new found responsibilities to occupy our day. Do we have room for one more?

I will give one more thought to ponder.

If technician numbers keep dropping and we lose schools to train our techs, is this just a shop owners problem or a collision repair industry problem? Should the insurance companies be concerned about this potential situation?

With the insurance companies emphasis on quick turnaround and quality repairs all while their insured is driving a rental car paid for by them. Even if you are a large DRP shop with many stalls and a parking lot full of insurance paying customers. If you don't have enough skilled technicians performing quality repairs in an efficient manner; this potentially becomes a concern of the insurance

industry also.

Bottom line is, What can or should we as owners do about this?

Contact your local high school and try to promote our industry with a visit to their automotive programs or attend a Career Day. Also get in contact with the instructors at one of our State College programs to see what you can do to help promote OUR industry and its future. If one or both of the colleges in ND close their programs, it WILL affect your business.

Please try to attend the meeting with the NDSCS Collision Repair instructors in Fargo on January 6th at 11:00 am at the NDSCS campus. The meeting will be discussing the low enrollment at NDSCS and the future plans of the program.

From the NDABA, I hope you all have a safe and Happy Holidays!!

Scott Heintzman,
President, NDABA



Make sure to check out the following in this newsletter:

The latest meeting minutes — page 5.

Opening for the Position of Treasurer on the NDABA — page 5.

Information on the Meeting with NDSCS faculty and staff to discuss enrollment issues and strategies for the future — page 7.

Protect your single most important asset — page 11.

Patent life for auto OEM parts — pages 12-15.

Photo Estimating — page 16.

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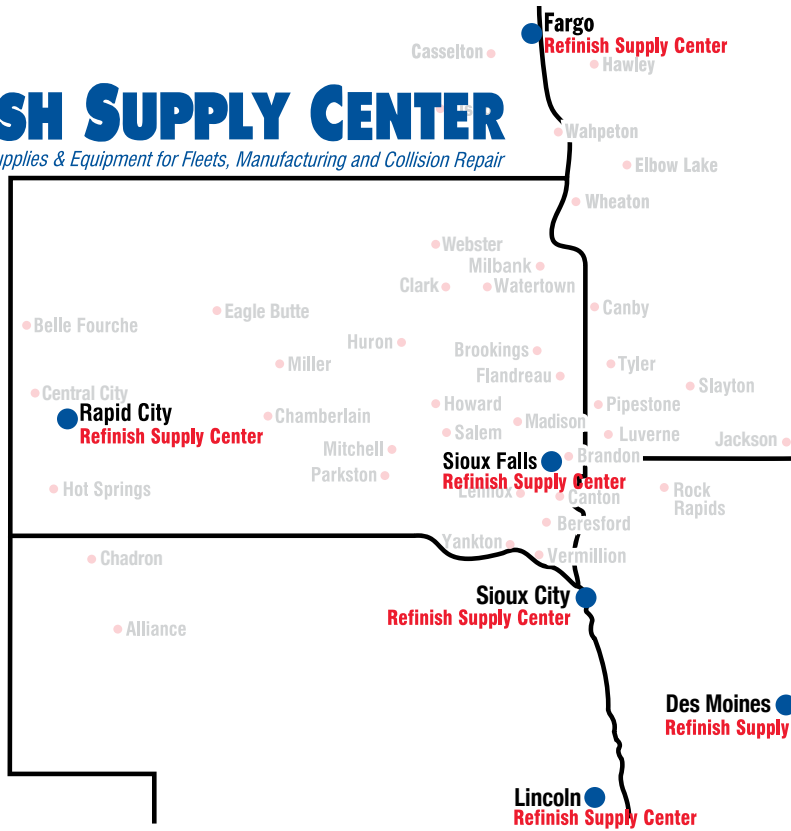
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Meeting Minutes — October 3, 2015

NDABA meeting, October 3rd, 2015, 11:00 am @ Chieftain Carrington N.D.

Those present were – Ed Barnhardt, Scott Heintzman, Brad Martinson, Kent Meidinger and Miles Doll.

Scott Heintzman called the meeting to order.

Treasure report from Verla was read by Scott Heintzman. Approved as read.

Secretary report – the meeting change was made from Sept. 26th, 2015 to Oct. 3rd, 2015 at Chieftain in Carrington, ND. Miles Doll made motion to accept the changed date. Kent 2nd it.

Secretaries report was read, motioned by Miles, Kent 2nd.

Magazine report – Clyde needs more input & articles for magazine for the good of the magazine. Deadline is Nov. 30th, 2015.

Survey results from what the association is about that Verla emailed and Clyde put the survey in the magazine. He had no results, nobody responded.

Treasure position – Nobody responded to the ad in acquiring about the position for treasure. Still looking for treasure, checking with individuals who specialize in accounting.

2016 Annual Meeting – have to find out where to have it, the date to have it and what is the venue of the meeting.

2017 Trade Show – Grand Forks needs dates on when it will be, tabled

until next meeting.

New Business – Ed made motion to purchase the results of “Who pays for what survey” for the magazine. Kent 2nd it.

Next meeting – phone conference on Dec. 12th, 2015 at 9:00 am. Miles made motion to adjourn the meeting Scott 2nd it.

Secretary,
Kent Meidinger

NEXT MEETING

Conference Call
Saturday, December 12,
2015 at 9:00 am

Opening for the Position of Treasurer of the NDABA

The bookkeeping is done with QuickBooks, and involves tracking income and expenses by making the deposits and paying the bills, and reconciling the bank statement. An annual review of the treasurer’s records is done by a committee of NDABA members each year at the convention. There are a few transactions throughout the year related to the *News Report Magazine*. Most of the other activity is in the first half of the year relating to the convention and membership renewals.

A written treasurer’s report is submitted for NDABA Board of Directors meetings.

The treasurer of the NDABA is the registered agent with the ND Secretary of State, so an annual report must be filed each year. It is a very simple form, similar to the forms filed by a corporation or LLC.

The treasurer is also responsible for filing the annual 990-N e-Postcard with the IRS because we are a tax-exempt organization. It is filed on-line, and simply involves verifying our gross receipts are under \$50,000.

If you have any questions about what is involved, you can contact Verla at 701-833-1655. If you are interested in the position, contact Scott Heintzman at 701-293-1266.

JOIN NOW!

Now is the time to join YOUR Association

Now is the time to work together for our future!

I hereby apply for membership in the North Dakota Auto Body Association. I promise to abide by the Association's By-Laws and Code of Ethics. I understand that any signs, decals or emblems provided by the Association remain the property of the Association, and agree to return them to the Association upon termination of membership. I understand that use of Association logo and identification is authorized only as long as my membership is maintained.

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(receiving the News Report does not make you a member of the NDABA)

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ATTENTION NDABA MEMBERS!!

We would like to keep our email address list up to date. Also, if you have an employee who would like to know about association's happenings, please supply us with an email address, so that can happen. You can contact Clyde @ 701-448-2568 or ndabnews@westriv.com. Please let us know if you have an addition or change to our list.
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PLEASE JOIN US AT THIS IMPORTANT EVENT



TO: All employers who are concerned about the need for well-trained auto body technicians

WHAT: Meeting with North Dakota State College of Science faculty and staff to discuss enrollment issues and strategies for the future

DATE/TIME: Wednesday, January 6 at 11:00 AM

LOCATION: NDSCTS-Fargo, Room 110
1305 19th Ave N, Fargo, ND

The purpose of the meeting is to discuss the issue of low enrollment in the NDSCTS Auto Body program in Wahpeton, ND. The Auto Body Advisory Committee, having met on November 19, 2015, recognized that the issues are serious and, after significant discussion, recommended this January 6 meeting take place.

This meeting is an effort to help the auto body industry partner with the college to develop strategies that can turn this trend around, and quickly.

FACTS:

- Many colleges have closed or will be closing their auto body programs.
- NDSCTS has very low enrollment in auto body.
- Other industries have found solutions that are working for them and they can be shared.
- It will take more than the Advisory Committee to make change.
- This has to be a collaborative effort.

Contact: **James Erdahl, Chair**
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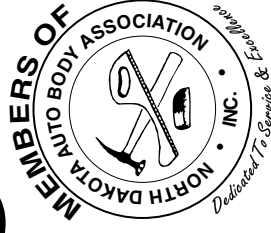
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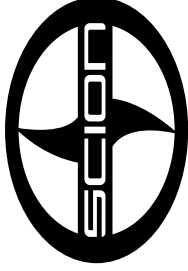
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Prey to the Cat Burglar? Here's How You Can Help Catch a Thief

By Paul Bieber

To Catch A Thief is a wonderful Alfred Hitchcock movie about a cat burglar, played by Cary Grant. To clarify, a cat burglar is someone who operates stealthily and can steal almost anything from anywhere at any time.

Would you recognize a cat burglar if you saw one? This one in particular looks a lot like you. He is in the glass business. But cat burglars operate after hours.

He is setting up his plot at a local restaurant, in the booth in the back corner. He is waiting for the call that will confirm his break-in at your company. What is he stealing? Your single most important asset: your people.



You may not know it, but your employees may be the cat burglar's next victim.

SCAT CAT

What can you do?

1. Keep strong communications with every employee. Have weekly 10- to 15-minute staff meetings with all of your leaders, sharing successes from each one and discussing future plans. Have each supervisor follow through to his team.
2. Have a monthly meeting with all employees. This should last about a half-hour. Speak for about 10 minutes updating your team with company news and then answer questions for the rest of the time. If the questions are personal to one team member, make an appointment later the same day to give an answer.
3. Have an effective employee review system, one that focuses on the future, not the problems of the past. (Note: USGlass subscribers will get free information by contacting me at paulbaseball@msn.com.)
4. Give good benefits, most importantly in health care. Repeated surveys have shown this is more important than wages. People leave

more jobs to gain better benefits than to get a higher salary.

5. Offer competitive wages. When your year warrants, give a holiday bonus.
6. Have company events where employees can invite their spouses and children. When an employee's spouse likes the company, cat burglars have a much harder time.

MEOWS HEARD

Keep an eye out for employees who come to you asking when they will get a raise or a promotion. Employees who are happy with their job ask these questions when a cat burglar has made them an offer and they are hoping you will match it.

Keep an eye out for competitors who visit one of your jobsites or go to the local pub where some of your employees hang out. Have one of your most loyal foremen tell you whenever this happens. Do you call this competitor and gently tell him to back off? Of course you tell him to go play in another sandbox. Remind him this and it will be a two-

way street.

If you and the cat get into an employee-poaching war, the one with the best employee benefits, communications and work conditions will win.

Last question. Should you become a cat burglar? Yes. Remember the two-way-street rule, but if you truly have a better company, with more opportunity, your meows will be heard.

The Author — Paul Bieber has 37 years' experience in the glass industry, with C.R. Laurence and as executive vice president of Floral Glass in New York. He is now the principal of Bieber Consulting Group LLC and can be reached at paulbaseball@msn.com. Read his blog on Tuesdays at <http://usgpaul.usglassmag.com>.

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Claiming abuse of system, QPC, PARTS Act seek to cut design patent life for auto OEM parts — but no one else's

By John Huetter on December 3, 2015

Claiming that automakers are overpatenting vehicle part designs to drive out cheaper copies and keep prices high, the Quality Parts Coalition has launched a campaign in support of the PARTS Act, which would allow aftermarket copies of individual components sooner.

QPC Executive Director Ed Salamy said the OEMs are also abusing the patent system by patenting the overall look of a car but the individual design elements as well.

"They're essentially double-dipping," he said.

PARTS Act bills were introduced in February by U.S. Sens Orrin Hatch, R-Utah; Sheldon Whitehouse, D-R.I.; U.S. Reps Darrell Issa, R-Calif.; and Zoe Lofgren, D-Calif. The QPC kicked off its publicity push in support Tuesday.

Under the bill, original automotive OEMs — and no one else — would lose design patent protections after 30 months. Right now, any design patents issued by the government are good for 14-15 years.

Design patents are different from what one would consider a traditional "invention" patent (known as a "utility" patent). They're purely aesthetic — there's no function at all. It's the difference between patenting a funky triangle-heavy grille (design) and patenting one meant to protect a pedestrian (utility).

The number of design patents issued to Ford, Toyota and Honda started to skyrocket around 2000-03, with Nissan starting to do the same but on a smaller scale around 2005. There are indications GM started on an upward trajectory too around 2011 (remember, it had other things on its mind during the recession), based on the QPC's data.

And the OEMs have

become "real aggressive" about using them to combat aftermarket copies, according to Salamy.

"That's not something they had done before," he said.

Salamy couldn't point to a reason for the change in policy.

"I wish I knew the answer to that specifically," he said, but estimated the tactic originated with Ford in 2005.

We'd guess this started to coincide with last decade's increased aftermarket parts demand from insurers looking to drive margins. (Trial lawyers and a slew of natural disasters probably did push up losses, but some of the blame for higher combined ratios has got to fall on the insurance ad war spending.)

Aftermarket manufacturers start copying more parts, and OEMs start patenting more designs to fight back. (One also sees the rise of "conquest" parts during this time to compete.)

Aftermarket parts haven't been really dwindling as a proportion of repair bills

or total parts installed, based on Mitchell data. But Salamy attributed that OEMs haven't been enforcing the patents (which haven't been in play that long) until recently.

"You'll start to see those (aftermarket) numbers go back," he said.

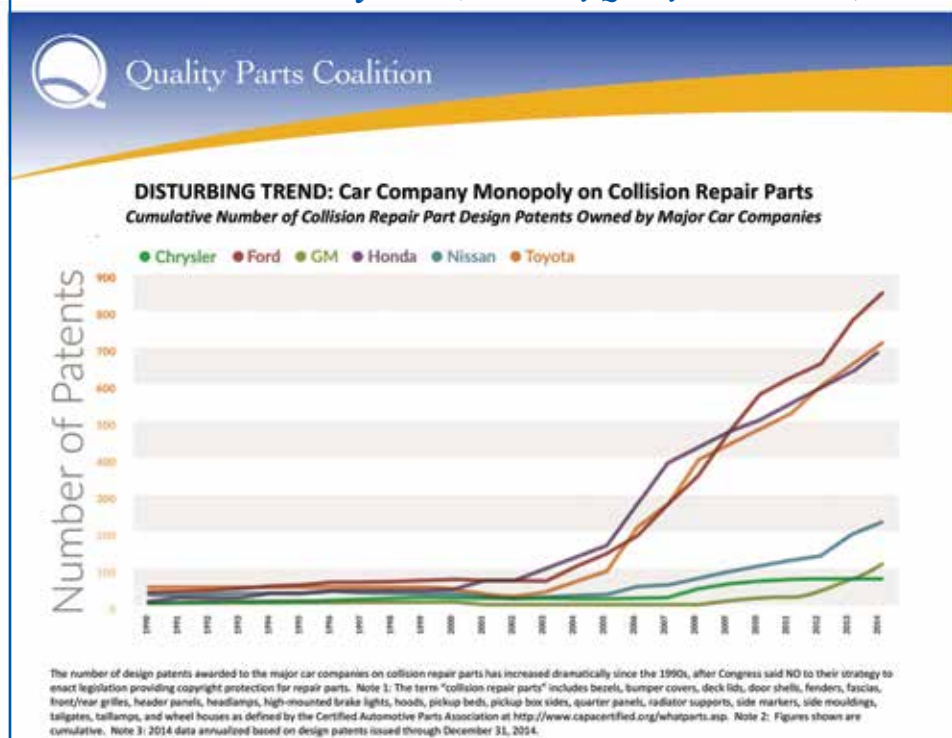
We contacted the U.S. Patent Trademark Office about the about the QPC's "double-dipping" complaint but were told it doesn't comment on pending legislation. A spokesman referred us to this guide for a question about the design patent process' rigor.

Also asked about "double-dipping," Dan Gage, director of communications and public affairs for the Alliance of Automotive Manufacturers, argued for the merit of design patents.

"A BMW is a BMW because it looks like a BMW," he said in describing the overall design of a car. "A Ford F-150 is the same way."

But individual components had their own aesthetics as well, he said.

This chart shows the number of design patents granted OEMs in recent years. (Provided by Quality Parts Coalition)



OEMs do have to go through the same design patent vetting described in the PTO guide as everyone else. (For example, manufacturers of planes, bicycles, boats, etc.)

However, the PARTS Act merely singles out automotive OEMs. No other manufacturers would be affected — including aftermarket companies. So a parts manufacturer or SEMA modder shop can patent the look of a tricked-out substitute grille for more than a decade, but an automaker gets less than three years of protection on a new style of OEM grille. Salamy said it wasn't necessary for non-OEMs.

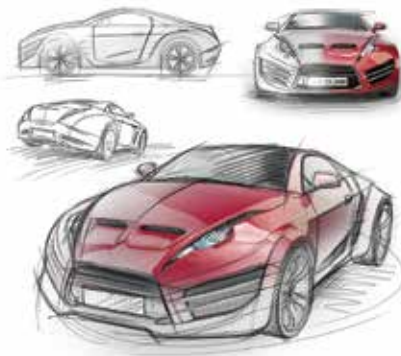
The OEMs indicated to lawmakers they're actually OK with aftermarket manufacturers who don't copy a part outright.

"The underlying premise for the PARTS Act is that competition requires copying," the alliance and other opponents wrote to senators in February. "This premise is false. Many aftermarket companies are successful in producing interchangeable parts that do not copy the exterior appearance of the OEM component. In fact, the U.S. aftermarket is replete with headlights, taillights, grilles, and bumpers that do not copy OEM designs but are interchangeable with the original components. This type of activity by aftermarket companies is a form of fair competition that respects and comports with existing patent protections. These companies employ designers that create original designs, provide consumers with greater repair choices, encourage innovation and protect the public from mistakenly buying a generic part when they intended to purchase an OEM replacement. Seen in this light, the PARTS Act is a solution in search of a problem."

SAFETY

Things get muddled a little when you take safety into consideration — another argument raised by the OEMs. This goes back to the nature of design patents versus utility ones, something that even the PTO admits can be a tricky distinction:

Both design and utility patents may be obtained on an article if invention resides both in its utility and ornamental appearance. While utility and design patents afford legally separate protection, the utility and ornamentality of an article are not easily separable.



Quality Parts Coalition Executive Director Ed Salamy said the OEMs are abusing the patent system by patenting the overall look of a car and the individual design elements as well.

Articles of manufacture may possess both functional and ornamental characteristics. ...

A design for an article of manufacture that is dictated primarily by the function of the article lacks ornamentality and is not proper statutory subject matter under 35 U.S.C. 171. Specifically, if at the time the design was created, there was no unique or distinctive

shape or appearance to the article not dictated by the function that it performs, the design lacks ornamentality and is not proper subject matter.

So for automakers to claim that infringing on a patent on the appearance of an object compromises its function is sort of wrong from a federal patent sense, even if accurate from a practical sense. Their stance in favor of aftermarket parts which look different, meanwhile, sounds correct from a federal patent perspective, but damages their imitation-parts-aren't-as-safe argument.

But on a practical sense, their argument and the QPC rebuttal are worth careful consideration by consumers and lawmakers.

"Manufacturers of unlicensed automobile parts have to meet only one basic threshold: to produce a copy that can be passed off as an original part," the alliance wrote. "... Automobile companies must ensure that all automotive components perform as a cohesive system during crash testing to provide the safest possible product for their customers. Accordingly, the manufacturer of the original product

(Continued on next page)



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Claiming abuse of system...

(Continued from previous page)

for whom such unlicensed replacement parts are made does not know how these parts will perform with the rest of the vehicle or how their use will impact the quality and integrity of the original product. Automotive collision repairers are also very concerned about the quality of replacement crash parts. Permitting infringement of this intellectual property also exposes consumers to significant safety, performance and durability risks without their knowledge.”

The debut of sensors, cameras and more advanced materials — not to mention seemingly cosmetic parts designed with a safety issue in mind (such as our grille example above) — in cars means that slight differences in aftermarket parts — even those which replicate the new technology — theoretically have a greater potential of throwing off a broader system.

Calibration experts noted at SEMA that tiny changes to a showroom-floor, all-OEM car — even aftermarket

tires — could throw off sensors and require recalibration. OEMs and collision repairers have argued with aftermarket manufacturers about how well aftermarket bumper beams and other components protect occupants or affect airbag timing.

“A tenth of an inch is an awful lot,” Gage said of performance differences between OEM and non-OEM parts.

Non-OEM parts technically don’t have to notify the feds about recall inquiries, and Takata was a rare example of the NHTSA going after someone other than an automaker with a recall, the National Highway and Traffic Safety Administration told us earlier this year.

The QPC tells customers that aftermarket parts are safe, writing, “The quality is assured by manufacturers and distributors who provide warranties on their parts. QPC members often have warranties that exceed those offered by the car companies. Many quality alternative parts are certified by an independent third party.”

But warranties for fit and corrosion don’t guarantee safety, and the aftermarket manufacturers don’t have the kind of reputations to protect that

OEMs if the part fails. (Is an imitation parts manufacturer really going to command headlines and congressional hearings if their part fails the way a General Motors component malfunction would?)

Plus, the law doesn’t allow only certified aftermarket parts — which according to the NSF and CAPA still don’t undergo all the IIHS crash tests of an OEM part — to copy OEM parts after 30 months. It lets any part manufacturer, regardless of certification, do that. And there’s a lot of junk out there, as CAPA itself will tell you.

The QPC does cite the IIHS’ 2010 conclusion that cosmetic aftermarket parts “serve no safety or structural function,” which drew upon research from a decade earlier. But 2000 is eons ago in car technology years, and perhaps it’s time to reconsider it and what impact aftermarket cosmetic parts have on the new sensor technologies and overall weight of the vehicle.

The IIHS also warned in the same article that aftermarket bumper beams aren’t cosmetic, and non-CAPA aftermarket ones weren’t performing as well as CAPA ones. It urged consumers

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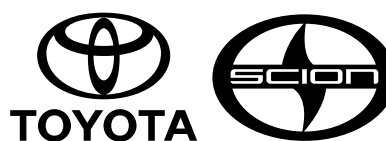
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to be wary of non-CAPA aftermarket beams.

Even then, we'd wonder how well the CAPA bumper standard held up if the IIHS were to crash-test every vehicle, not just one or two 2008 Dodge Ram 1500s. We know how well OEM bumpers and bumper covers do or don't work; we can see the IIHS findings.

It'd also be interesting to see how certified and uncertified aftermarket parts fare under the new 2012 IIHS narrow-offset crash test. OEMs are having difficulty passing that one, as this video from the IIHS demonstrates (see video at https://www.youtube.com/watch?v=7u_D6cGK9xM).

Repairer Driven News, curated and delivered by SCRS.

Other videos related to this topic:

<https://youtu.be/b1fOst4EkZI>

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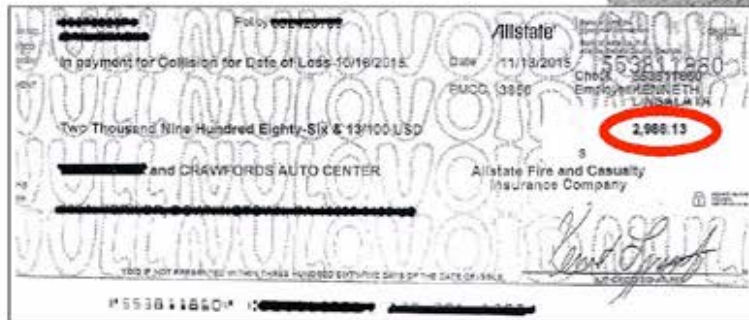
Photo Estimating – Who Wins & Who Loses?



Our customer stops in and explains that she needs her car repaired. She advised Allstate has sent her a check. We asked for her appraisal of damages and she tells us they did not send her one, just a check for \$899.79. I looked at her vehicle and explained sorry but you have at least \$3,000.00 worth of damage. Let me guess? They asked you to take photos and send them in so they can settle your claim? She says yes, that is exactly what happened. I used my phone and took five pictures and they sent me the check.



Knowing the vehicle was underwritten and short paid we immediately called Allstate for a supplemental on 11-6-15. Customer drops vehicle off for repairs on 11-9-15 and we dismantled the left rear corner to inspect the damages. Customer's car sits waiting for Allstate until 11-13-15 when an Allstate staff appraiser stops by to physically inspect the damages. Allstate agrees with our repair assessment and writes their supplemental for \$2,986.13 with a total repair at **\$3,985.92**.























This proves why our opposition to HB 1638 is so important. The insurance policy is an *Indemnification Contract*. The purpose is to return your property to its same condition before the accident. HB 1638 allows the insurance industry to underpay your loss based on photos that you have sent to them. Now you become a liable party to your own loss because you took the photos. In the event you missed a safety related part or drivability is questionable and another accident occurs, will you be held negligent in the eyes of the court? Remember the insurance companies have an obligation to indemnify your loss – Allowing photo estimating through HB 1638, opens the door for them to short pay your loss and shift their liability over to you. A physical inspection by a certified state licensed physical damage appraiser protects your automotive investment and the safety of your family as well as the safety of the Commonwealth's motoring public.

Vote NO to HB 1638

Brought to by the PA Collision Trade Guild

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