

Testimony for NCOIL Meeting
July 7-10, 2005

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My name is John R. Padula, I reside at 2914 Vincent Road, Silver Lake, Ohio 44224. I have chosen to attend this NCOIL meeting of my own free will, though I do consider it my civic duty to provide this testimony on behalf of the consumers who would be completely "in the dark" over the topic as well as the proposed Certified Aftermarket Crash Parts Model Act.

I have been in the automotive collision repair business for 28 1/2 years, and have tried to use these imitation replacement parts on numerous occasions. I can say unequivocally and with out a doubt - THESE AFTERMARKET CRASH PARTS ARE NOT EQUAL TO OEM REPLACEMENT PARTS. This is twenty-eight (28) years of experience making this statement.

How much proof is necessary to show these parts are not equal to OEM parts? The courts have already proven this point by the Avery vs. State Farm case. Watch the video depositions of Jack Gillis the then President of CAPA, and Ed Rust, Jr., the President of State Farm Insurance Company. The insurance industry knows these parts are not equal. On a day-to-day basis, these aftermarket replacement parts are consistent about one thing and one thing only, the inconsistency of the product itself.

I could bring in parts from the same supplier for the same vehicle that do not fit one day and fit fairly well the next. Are they equal to OEM? Absolutely not!

As far as the "fit" of aftermarket parts in 2005 vs. the past 20 years - some parts are fitting better, however, they still are NOT equal to OEM. Bumper reinforcements and other sheet metal parts are still lighter in weight and have less spot welds than OEM. Thus the parts may look and fit, however they are not as strong as OEM - not equal. Headlights and taillights look the same and often fit reasonably well, however, the colors often fade in six months time and often take in water and condensation, I have to admit, over the past 20 years a number of these aftermarket parts fit better than they did, however, once again I, in good conscience, cannot say these parts are equal to OEM parts.

I am not telling anybody anything that is not already known. Any testimony in this regard that was previously submitted by The Coalition for Collision Repair Excellence (CCRE) is for the most part unchanged - years later.

More important to me (as a consumer and a U.S. Citizen), is why is my legislator even wasting their time considering writing a law to legislate approval of a wide range and variety of products? Why is this organization requesting state legislators to place a legal approval on a product or products?

If in fact it is the duty of the legislator to legislate product quality, the question then becomes: if this is where it starts - where does it end?

Will manufacturers of automobiles at some point be given the legal blessing that a KIA automobile is then equal to a Lincoln, Cadillac, Mercedes, or Rolls Royce. What impact will this legislation really have on consumers?

When an aftermarket part that has been deemed "equal" to its OEM counterpart is installed on a vehicle and it does not fit properly, it does not function in the same manner as the OEM part does, who does the consumer now turn to in order to receive compensation for damages?

Since the government has in fact "certified" these parts, does the government get sued for damages? Or does the government have to set up the counterpart to the FDA?. Will this cost the tax payers more money? When in fact the "free" market place should be sufficient to separate the wheat from the chaff.

Or, if in fact, legislation is passed deeming one product equal to another, I guess the real issue today is not about aftermarket parts but "Do we American's still live in a "free" market place?" If multi-billion dollar corporations can simply call upon our government to legislate equality for products - do we even live in a free country anymore?

Another question which comes to mind then is: "If legislation is passed to make replacement parts for automobiles equal to one another, will the legislature also pass legislation stating that any collision repair shop is equal to another regardless of whether or not the collision repair shop was on an insurance companies "list" or not?

Where will the legislation stop? Does this entire meeting defy the concept of a government of the people, for the people, and by the people? I do still have faith in our democratic process because if I didn't I would not be here today. Unfortunately, if legislation such as this is passed, I will have to concede to a lawyer friend of mine who rebukes my question: "Do we really live in a democracy?" With the statement: "Of course we live in a democracy - a democracy that's for sale!" Please prove my friend wrong. Please allow the free market place to function as it was designed in 1776.

By all means, if we are really and truthfully here today on behalf of the consumers, the tax payers of these United States, we'd be further ahead to spend this time looking into the business of insurance and how consistently the insurance industry breaks the present laws in effect protecting the consumer from these inferior aftermarket parts.

There is one thing that is more consistent than the consistently inconsistent quality (or lack there of) of aftermarket parts - and that is the consistent day-to-day breaking of present consumer protection laws by every insurance company that mandates the use of these inferior aftermarket parts (outside the policy language). Wouldn't a more viable solution for consumers be to have a choice of two different insurance policies? One policy which reimburses for OEM parts and another which reimburses for aftermarket replacement parts? If we are truly her today on behalf of the consumer, shouldn't the consumer have the right to choose what type parts are used to repair his / her automobile?

Why does the insurance industry have to hide behind the auspices of this NCOIL organization, and our state legislators, to be the "front man" for an aftermarket parts industry that has not been able to produce parts equal to OEM for over 20 years? In Ohio, the law already provides for the customers right to choose which parts are to be used in the repair of their automobile. Unfortunately, the insurance industry circumvents this law daily.

I would like to thank you for allowing me to provide this testimony on behalf of those consumers who could not be present to defend themselves this day.

I thank Senator Zurz (Ohio) for the letter of recommendation to address this body today and also Congressman Tim Ryan for his consideration and sincere concern in this regard.

Respectfully submitted this thirteenth day of June, 2005.

John R. Padula
Vice President, CCRE

cc: Senator Kimberly Zurz
Congressman Tim Ryan
Candace Thorson
Members of Property & Casualty Committe