

2005 SENATE TRANSPORTATION

SB 2396

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2396

Senate Transportation Committee

☐ Conference Committee

Hearing Date 2-10-05

1585-end
1202-CHG
0-2445
2655-3260

Minutes:

Chairman Trenbeath opened the hearing on SB 2396 relating to prohibitions on improper practices by insurance companies, price fixing, and certain automobile repair practices, and to provide a penalty.

Breezy Kohls (District 32) She submitted written testimony in support of SB 2396 for a friend who was unable to be present. See attached testimony from Arlan Scholl (owner of Connie & Sons, Inc.)

Terry Barnes (Windshield Man) Testified in support of SB 2396. He said it finally sets a uniform price idea in ND. It provides a penalty. It limits the auto glass companies and body shops to just pay up to a \$100 deductible. Everyone would be on a level playing field.

Senator Bercier (District 9) Testified as the prime sponsor in support of SB 2396. He submitted

an amendment to clear up some language. (Meter 2180)

Page 2 Senate Transportation Committee Bill/Resolution Number SB 2396 Hearing Date 2-10-05

Senator Trenbeath asked Senator Bercier to summarize what the amendment would do to the bill.

Senator Bercier said it is housekeeping in the first part. On page 2, it adds a section for prohibited practices and penalties.

Patrick Ward (State Farm Ins. and Property and Casualty Insurance Association of America)

Testified in opposition to SB 2396. He said the main purpose of this bill appears to be to increase the cost of car insurance to benefit glass shops. The rebates provided in section 3 would simply be added to the cost of the insurer purchasing glass, enough to cover whatever the deductibles or rebate is. This is essentially legalized kickbacks. Consumers would pay for this in the form of premiums. Section 2 of the bill addresses price fixing. There are already federal and state anti trust laws on the books that outlaw price fixing. This provision would go so far as to outlaw the use of the natural automobile dealers association guide, the glass association's guide, or even the web site. (Meter 2525)

Senator Trenbeath asked how preferred body shops affect consumers.

Pat Ward answered that the designation of preferred repair shops is an attempt by the companies to control costs and also control the quality of the work being done. The consumer can still go to another shop and get the bill paid but, if they go to a preferred shop, the bill gets paid directly.

Senator Bercier asked how much it costs the consumer and the insurance company and/or the body shop to use the network and to be a part of it.

Pat Ward said he could not answer that question.

Senator Espegard asked if the preferred shop would take away competition from other shops.

Pat Ward said he was not qualified to answer that question.

Scott Sjol (ND Auto Body Association) Testified in opposition to SB 2396. He spoke about the problems involved in waiving deductibles. (2850) The problems are costly to consumers. Inspections of vehicles repaired under the assumption that all the repairs would be completed and the owner would not be responsible for the deductible have found that these vehicles were not correctly repaired and, in some cases, were not even safe to drive. The resale value of those vehicles was negatively affected. Their organization recognizes that changes need to be made in order to protect ND consumers from the so called "Robin Hood's" of the glass and collision industry. Allowing these shops to operate in this manner leads to shoddy repairs and increased insurance premiums.

(Meter 2990) Discussion on the ND Auto body Association which is a group of about 200 shops.

Senator Mutch asked which part of the bill they were opposed to.

Scott Sjol said the bill seems to be trying to outlaw networking and direct repairs. (Meter 3180)

Senator Espegard asked for someone to tell him about the bill and what's wrong with it.

Scott Sjol (Meter 3315) Taking the networking out.

Senator Espegard asked if there is a code on auto glass that tells the quality.

Scott Sjol said there is.

Senator Trenbeath asked if his organization is part of a national organization.

Scott Sjol said they are a state organization.

(Meter 3580) A short discussion on the organizers, by laws, and goals of the organization.

(Meter 3720) Discussion on the quality of auto glass and meeting the safety standards.

(Meter 3965) There was discussion about preferred providers. State Farm allows anyone to be a preferred provider as long as they have the equipment and follow the criteria set up in the

contract. Most of the companies use several preferred providers depending on the size of the town.

Kent Olson (Professional Insurance Agents) (Meter 4180) Testified against SB 2396.

Shared concerns from the agent's perspective. (1) The definition of the word "broker".

(2) There must be statutes now that prohibit price fixing. (3) Padding the estimate. The cost of the repairs is a problem.

Dale Haake (Nodak Insurance Co., Fargo) Testified in opposition to SB 2396. (Meter 4690) He talked about the three primary methods of estimating auto damage. These are pricing guides and they standardize the industry from shop to shop, company to company. The prices get adjusted every month. This would outlaw the use of the very tool shops use to establish their prices. He clarified that a preferred repair facility is not a mandatory repair facility. He talked about those things the preferred shops do for customers and the insurance provider, such as taking photographs, e-mailing them into the claims offices, billing in a certain fashion etc. which saves time and money.

Senator Trenbeath (meter 5345) asked why, in a small town where there are two body shops, preferring one over the other is helpful to the consumer.

Dale Haake said the consumer does have a choice on where they wish to go.

(Meter 5642) Discussion continued on the preferred providers and the benefits or detriments that small towns suffer. The written contracts between the shops and the insurance provider was also addressed.

Senator Espegard asked if this bill would be any better if the price fixing was out of it.

Dale Haake said they would still have problems with section 1, particularly paragraphs 3 and 4.

especially with glass work. (Meter 6110) He explained that many companies find it extremely efficient to work with a vendor who will handle different aspects of a glass claim.

(Side B Meter 20) Discussion on what a broker is and how a customer knows he has an option to use the broker or company.

Dennis Prindiville (President of Dakota Fire Insurance, Bismarck) Testified in opposition to SB 2396. He feels there hasn't been enough definition given to the bill. Their company doesn't charge facilities to be a preferred choice repair facility but they do have requirements that must be met. They have a one page agreement. There is some quality control.

Senator Espegard said that basically a preferred shop would be able to communicate with the insurance provider when doing the estimate. He asked if the speed was that somebody underwrites and says to go ahead and fix it.

Dennis Prindiville said yes. The main reason they went with this program is that it is a customer service issue for them. It moves the process along a lot quicker.

Senator Nething asked what there is about this bill that is so important.

Dennis Prindiville (Meter 810) He talked about section two and the price fixing. If the use of the price book is taken away, how do they set the price of repairs? He doesn't understand the part on prohibited automobile repair practices and penalties in Section 3.

Senator Trenbeath said the proposed amendment clears that up.

Senator Nething asked for clarification that the penalty only applied to a limited area.

Senator Trenbeath said that was his understanding.

Senator Espegard asked if a customer would still be paid if he goes to a shop that is not preferred.

Page 6
Senate Transportation Committee
Bill/Resolution Number SB 2396
Hearing Date 2-10-05

Dennis Prindiville said yes. The process would be slower because they will have to send an independent adjuster out to do what the body shops are doing for them.

Senator Trenbeath asked if this concept of preferred provider is new.

Dennis Prindiville said he didn't know how long it had been around. His company has probably been doing it for 2 years.

Senator Espegard asked what his opinion of the bill would be if the price fixing and brokers were taken out. (Meter 1085).

Dennis Prindiville said he would prefer to defer until he had a chance to see everything.

Pat Ward offered to answer the question. (Meter 1295) He felt they could probably live with parts 1 and 2 of Section 1 of the bill. Removing Section 2 is a good thing. They would have a problem with allowing deductibles which is in sub part b of 1 in Section 3 because that would just get passed on to the consumers. The only problem they would have is taking out the glass networks. They glass networks are cost effective for the industry overall.

Larry Hatzenbuhler (Body Shop Manager of Stan Puklich Chevrolet, Bismarck) He was available to answer any questions regarding direct repair. His company is direct repair with approximately ten insurance companies in this area.

Senator Trenbeath asked him to leave a business card. He did so and it is attached.

Terry Barnes (Windshield Man) (Meter 1645) He provided two NAGS catalogues and faxes he has received lately. See attached. He said the insurance companies are trying to put him out of business.

(Meter 2180) Discussion on the cost to put a window in and how much the glass shop can charge to put it in and the effect it has on the small shop.

Page 7 Senate Transportation Committee Bill/Resolution Number SB 2396 Hearing Date 2-10-05

The hearing on SB 2396 was closed.

(Side B Meter 2655)

Chairman Trenbeath opened SB 2396 for discussion.

(Meter 2785) Discussion on amending the bill -- take out Section 2 completely, take out paragraphs 3 and 4 in Section 1, leave in Section 3 subject to the proposed amendment.

Senator Bercier motioned to accept the amendment as discussed and as reflected in 50819.0101.

Seconded by Senator Espegard. The motion passed on a voice vote.

Senator Bercier motioned a Do Pass as Amended. Seconded by Senator Warner. Roll call vote 5-1-0. Passed. Floor carrier is Senator Bercier.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2396

Page 1, line 1, replace "two" with "three"

Page 2, line 12, replace "Prohibited automobile" with "Automobile" and remove "- Penalty"

Page 2, line 13, remove "1."

Page 2, line 14, remove the colon

Page 2, line 15, replace "a. Advertise" with "advertise"

Page 2, line 17, remove "and"

Page 2, line 18, replace "b. Pay" with "pay"

Page 2, line 19, replace the period with "; and"

Page 2, remove line 20

Page 2, line 21, remove "of automobile glass, may"

Page 2, after line 21, insert:

"SECTION 4. A new section to chapter 51-07 of the North Dakota Century Code is created and enacted as follows:

Prohibited practices - Penalty."

Page 2, line 22, remove "3."

Page 2, line 25, remove "4."

Renumber accordingly

Date:	2-10-05
Roll Call Vote #:	•

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO 2396

Senate TRA	TRANSPORTATION		Com	mittee	
Check here for Conference Com	mittee				
Legislative Council Amendment Nun	nber _	50	0819.0102 Tit	le .02	00
Action Taken No Pas	s a	s as	mended		
Motion Made By Sen. Berc	ier _	Se	conded By <u>Sen. W</u>	arner	<u>, </u>
Senators	Yes	No	Senators	Yes	No
Senator Espegard	v		Senator Bercier	V	
Senator Mutch	V		Senator Warner	/	
Senator Nething		V			
Senator Trenbeath, Chairman	/				
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Total (Yes)5		No	·		-
Absent O					
Floor Assignment Sena	etor	Be	rcier		
If the vote is on an amendment, briefl	ly indica	te inten	ıt:		•

Module No: SR-28-2537 Carrier: Bercier

Insert LC: 50819.0102 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2396: Transportation Committee (Sen. Trenbeath, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2396 was placed on the Sixth order on the calendar.

Page 1, line 3, remove ", price fixing,"

Page 1, remove lines 15 through 23

Page 2, remove lines 1 through 9

Page 2, line 12, replace "Prohibited automobile" with "Automobile" and remove "- Penalty"

Page 2, line 13, remove "1."

Page 2, line 14, remove the colon

Page 2, line 15, replace "a. Advertise" with "advertise"

Page 2, line 17, remove "and"

Page 2, line 18, replace "b. Pay" with "pay"

Page 2, line 19, replace the period with "; and"

Page 2, remove line 20

Page 2, line 21, remove "of automobile glass, may"

Page 2, after line 21, insert:

"SECTION 3. A new section to chapter 51-07 of the North Dakota Century Code is created and enacted as follows:

Prohibited practices - Penalty."

Page 2, line 22, remove "3."

Page 2, line 25, remove "4."

Renumber accordingly

2005 TESTIMONY

SB 2396

Arlan Scholl, owner of Connie & Sons, Inc.

I have been in the Autobody Repair Industry for over 30 year and in that time, only one insurance company has ever conducted a labor rate or glass discount survey. That company was State Farm Insurance. After that survey, all other companies pay the rate that State Farm claims is the prevailing rate. State Farm will offer no proof of the results of the survey.

I have included copies of specified rates for our area from eight companies that claim to have conducted a survey. Amazingly all eight have different rates. I have also contacted autobody repair shops in our area and cannot find even one that was called by any of these eight companies. I would like someone with authority to request to see copies of these surveys with dates, times and contact persons.

But, enough of these facts. The autobody repair industry, which includes glass replacement, has been losing quality technicians at an alarming rate over the past ten years. These people are getting out of the industry because they can nolonger make a living wage. Cost-of-living increases are also out of the question. This is because insurance companies are allowed to manipulate the industry with their so-called prevailing rate. And by the way, this is the only industry I know of where the longer you work, the more training you receive and the more you invest in equipment, the less you get paid. This lesser pay is because the autobody repair industry is forced to accept a "prevailing" rate without surveys being taken and results not given. The industry has always been paid according to the lowest price in town.

After the hailstorm of 2001, the insurance industry made a push for direct repair, telling the public that direct repair would help keep their premiums down. For the consumers who weren't aware of what the laws are, the insurance companies would tell them that they would incur out-of-pocket costs over and above the deductible if the consumer did not use the preferred shops nor would the work be guaranteed if the consumer used a shop other than one that was "preferred" by the insurance industry.

Since 2001, sales in my shop have decreased by over 50%. With last year's sales of only \$137,000, it is impossible to keep our doors open. Connie & Sons, Inc. is now talking about closing the doors on a shop that was established and proudly run since 1964. It might not matter to some people, but it surely matters to us. And, with every shop that closes, there will be that much less taxable income for the government.

While all of this is happening, the insurance industry is showing record profits. Have you seen your premiums go down lately? The fact is that premiums have skyrocketed over the past three years and deductibles have increased from \$50 to \$500. It is also a state law that your car is totaled out at 75% of its book value. The list goes on and on for the excuses they use to get premium increases and not pay the guideline prices for repairing autos. It would be nice (and interesting) if we could tell our insurance agent that we will only pay 70% of the premium due because we know we could get the coverage for that price elsewhere.

Insurance coverage should give you peace of mind should something unfortunate happen. However all you see to get now are excuses or intimidation from insurance companies. SB 2396 addresses these problems and will go a long way toward correcting the problems. However, unlike other laws that are already on the books (www.consentdecree.com) if SB 2396 passes, it needs to be enforced. Our Insurance Commissioner's Department seems to either be unwilling or unable to help the auto industry. This bill, SB 2396, I feel will give the Insurance Commissioner's Department the tools it needs to help correct the problems that face the auto industry. Passage of SB 2396 would offer a brighter future for all involved.

Arlan Scholl Connie & Sons, Inc. Founded 1964 May 28, 2004

Dear Shop Owner/Manager:

We appreciate the glass service you are providing American Family's policyholders. To insure timely payment of invoices and avoid misunderstandings, we are informing you of American Family's updated Glass Market pricing. The prices represent fair and responsible glass market pricing in your area and are not the lowest available to us. All Glass Market pricing is based on the most current published NAGS benchmark list prices. Invoices from you that are accurate and not exceeding American Family's pricing structure will be paid promptly as submitted. American Family's policyholders have the right to select the automotive glass shop of their choice to complete the repairs. However, all future invoices will be paid in accordance with the established Glass Market rates.

The pricing structure effective June 4, 2004 is as follows:

Windshield Discount	40.00%	Off Nags List
Curve Tempered discount	40.00%	Off Nags List
Labor Charges	\$42.00	Flat
Standard Urethanes:	\$22.00	Flat
High Modulus/		
Non-Conductive Urethane:	\$65.00	1.0 Kit
	\$95.00	1.5 Kits
	\$125.00	2.0 Kits
Windshield Repairs	\$55.00	1 st repair
	\$15.00	for each additional repair maximum of 3 total repairs

In addition, if the cost of the claim is going to be more than a \$1,000.00, please call 1-614-602-2120 or email <u>PricingApproval@Safelite.com</u> before beginning any work on the vehicle. You will need to get pre-authorization.

Send invoices to:

American Family Insurance

PO Box 182875

Columbus, OH 43218-2875

We continue to look forward working with you providing automotive glass service to our policyholders. Should you have any questions, contact Safelite Solutions at shopcare@safelite.com or by faxing inquires to 614-210-9502.

Denise DeSautelle Glass Claim Manager American Family Insurance Company



OneBeacon Insurance Auto Glass Center PO Box 2447 Woburn, MA 01888-0507

Dear Valued Glass Provider:

The companies formerly known as CGU: Commercial Union, General Accident and Hawkeye Insurance are now OneBeacon Insurance Group.

OneBeacon Glass Claims Program established the Auto Glass Claim Center to allow our policyholders to arrange for all of their auto glass needs. The glass claim center honors policyholder's choice while maintaining consistent pricing. The center allows the policyholder, or the glass shop, to quickly verify coverage and schedule an appointment to fix the damage.

Please call the cer	ter prior to performing the work so that we may provide you with a reference number.
The toll-free number	pers for the policies written under
toll-free numbers	and for <u>Hawkeye Insurance is (877) 248-4968 x2.</u> You can use any of these They will all ring at the OneBeacon Insurance Auto Glass Center.
ton free fluttibers.	they will all high at the Onebeacon Insurance Auto Glass Center.

Effective immediately all invoices will be settled at the following prices:

	1	
PART	PRICING	LABOR
Foreign & Domestic Windshields	35% Off List	\$40 Flat
Foreign & Domestic Tempered	35% Off List	\$40 Flat
1 Part Kit	\$14.00	
1.5 Part Kit	\$21.00	
2 Part Kit	\$28.00	
2 Part Urethane Fast Cure	\$28.00	
Repairs		\$50.00(additional \$10)
Moldings	Precision List	1
N. C. O. II		

Note: Call our glass center to have Premium glass authorized. Dealer List will be paid. for dealer paris when the dealer invoice is attached.

Our policy is to settle all future claims at the above price.	
Payment will be forwarded for Reference #90549058 on your Invoice # 43604 settlement at \$ 343.12 This is a one-time allowance made as our records had not been previously notified. Less the Insid ded \$ 100	representing a indicated that you
Less The 11130 deta p 100	

For prompt payment mail GLASS BILLS directly to:

OneBeacon Insurance Group P.O. Box 2447 Woburn, MA 01888

Sincerely, Varita Corchado

OneBeacon Insurance Group

(r)

GMAC INSURANCE

Monday, May 17, 2004

Dear Shop Owner/Manager:

We appreciate the glass service you provide to GMAC Insurance (GMAC) insureds. To facilitate timely payments and avoid misunderstandings, we are informing you of the GMAC updated pricing standards. These prices are not the lowest available to us. We believe they represent fair and reasonable pricing for your area. All pricing is based on the most current published NAGS benchmark list. Invoices from you that are accurate and not exceeding this pricing structure will be paid promptly as submitted. All future invoices will be honored in accordance with these established rates. The pricing structure is as follows effective May 24, 2004:

Windshield Discount:	55.00%	Discount off NAGS List
Tempered Discount:	55 00%	Discount off NAGS List
Labor.	\$40 00	Flat
High Modulus/		
Non-Conductive Urethane	\$65.00	1.0 Kit
	\$ 95.00	1.5 Kit
	\$125.00	2.0 Kit
All other urethanes:	\$19.00	Flat
Windshield Repairs:	\$59.95	+\$10 For each additional oreak Maximum of 3 repairs total

Our policyholders have the right of personal choice and preference in their selection of an automotive glass shop. However, because we are obligated, on behalf of all of our policyholders, to pay only the fair market value for glass repairs and replacement services, you may consider refusing the job if you are unwilling to provide service at the prices GMAC offered above. Nothing contained in any oral or written notice received by us or our agent from you purporting to reject such pricing for services you may render for any of our insureds will be binding on us or otherwise require us to pay you additional sums for services rendered.

If you desire to bill for more than GMAC's fair and reasonable pricing as stated above, you must advise our policyholders prior to initiating glass repair/replacement so that they can determine whether they are willing to pay the additional costs for your services.

The SGC Network is administering our glass program.

GMAC Insurance P.O. Box 182144 Columbus, OII 43218-2144

We look forward to working with you in providing glass service to our customers. Should you have any questions, please contact the SGC Network at ShopCare@safelite.com or by faxing 614-210-9502.

Sincerely, GMAC Insurance

Rate D

HANOVER INSURANCE COMPANY

May 20, 2004

Dear Shop Owner/Manager:

We continue to appreciate the glass service you are providing to our Hanover Insurance customers. To facilitate timely payment of invoices and avoid misunderstandings, we are informing you of Hanover's updated pricing standards. These prices are not the lowest available to us, however, we believe they represent fair and reasonable prices for your area. All pricing is based on the most current published NAGS benchmark list. Invoices from you that are accurate and not exceeding this pricing structure will be paid promptly as submitted. All future invoices will be honored in accordance with these established rates. The pricing structure is as follows and is effective May 28, 2004:

W/S Discount:	55.00%	OffNAGs
C/T Discount.	55.00%	Uff NAGs
Labor.	\$40.00	Flat
High Modulus!	\$65.00	LO Kit
Non-Conductive	\$05.00	1.5 K-t
	\$125.00	2.0 Kit
All other Urethanes	\$20.00	Flat
Repairs:	\$59.95	
	\$15.00	Additional repairs,
		up to a maximum of 3

Cur policyholders have the right of personal choice and preference in their selection of an automotive glass shop. However, because we are obligated, on behalf of all of our policyholders, to pay only the fair market value for glass repairs and replacement services, you may consider refusing the job if you are unwilling to provide service at the prices Hanover offered above. Mothing contained in any oral or written notice received by us or our agent from you purporting to reject such pricing for services you may render for any of our insureds will be binding on us or otherwise require us to pay you additional sums for services rendered.

If you desire to bill for more than Hanover's fair and reasonable pricing as stated above, you must advise our policyholders prior to initiating glass repair/replacement so that they can determine whether they are willing to pay the additional costs for your services.

Safelite Solutions is administering our glass program. Bills that are accurate and are not more than this pricing structure will be paid promptly as submitted. Send invoices to:

Hanover Insurance Company P.O. Box 182818 Columbus, OH 43218-2818

We look forward to working with you in providing glass service to our customers. If you have any questions, please contact Safelite Solutions at ShopCare@safelite.com or by faxing 614-210-9502.

Sincerely,

Hanover Insurance Company

Rate D & E

Nationwide Insurance



May 21, 2004

Dear Shop Owner/Manager:

As a provider that does not participate in Nationwide's Blue Ribbon Glass Program, this letter seeks to advise you of our pricing effective June 1, 2004.

Nationwide is committed to fulfilling our service promises to our policyholder-owners. Part of this responsibility is to maintain a financially sound claims payment policy that assures we pay fair market value for glass replacement and repair services, and that we do not pay excessive costs for such.

To facilitate timely payment of invoices and avoid misunderstandings, we are informing you of Nationwide's pricing standards. These prices are not the lowest available to us. We believe they represent fair and reasonable pricing for your area. All pricing is based on the most current published NAGS benchmark list. The pricing structure is as follows.

Windshield Discount:	53.00%	Off of NAGS
Curved Temper Discount:	53.00%	Off of NAGS
Labor Kate:	\$40.00	Flat
High Modulus/Non-	\$65.00	í.ō Kit
Conductive Urethane	\$95.00	1.5 Kit
	\$125.00	2.0 Kit
All other wethanes	\$20.00	Flat
Windshield Repair(s)	\$ 59 95	
Additional Repair(s)	\$10.00	Maximum of 3 Repa

Our policyholders retain the right of personal choice and preference in their selection of a glass shop. However, because Nationwide is obligated, on behalf of all our policyholders, to pay only the fair market value (nothing more) for glass repairs and replacement services, you may consider refusing the job if you are unwilling to provide service at the prices Nationwide has offered above.

If you desire to bill for more than Nationwide's fair market value stated above, you must advise our policyholders prior to initiating glass repair/replacement so that they can determine whether they are willing to pay the additional costs for your services. If specific claims situations arise where additional costs are necessary and for which the policyholder has not authorized payment, you must contact Nationwide at 614/602/2120 for approval prior to performing the additional repairs and incurring the additional costs

The SGC Network is administering our glass program. Bills that are accurate and are not more than this pricing structure will be paid promptly as submitted. All future invoices will be honored in accordance with these established rates. Send invoices to:

Blue Ribbon Glass Service C/O SGC Network P.O. Box 182647 Columbus, OH 43218 2647

We look forward to working with you in providing glass service to our policyholders. If you have any questions, please call the SGC Network at 614/602/2120.

Sincerely,

Nationwide Claims Manager

Rate D & F

Allied Insurance



May 21, 2004

Dear Shop Owner/Manager:

As a provider that does not participate in Allied's Program, this letter seeks to advise you of our pricing effective June 1, 2004.

Allied is committed to fulfilling our service promises to our policyholder-owners. Part of this responsibility is to maintain a funancially sound claims payment policy that assures we pay fair market value for glass replacement and repair services, and that we do not pay excessive costs for such.

To facilitate timely payment of invoices and avoid misunderstandings, we are informing you of Allied's pricing standards. These prices are not the lowest available to us. We believe they represent fair and reasonable pricing for your area. All pricing is based on the most current published NAGS benchmark fist. The pricing structure is as follows:

Windshield Discount:	53,00%	Off of NAGS
Curved Temper Discount:	53.00%	Off of NAGS
Labor Rate;	\$ 40.00	Flat
i ingin iviociulus/ivon-	\$65.00	1.0 Kit
Conductive Urethane	\$95.00	1.5 Kit
	\$125.00	2.0 Kit
All other wrethanes	\$20.00	Flat
Windshield Repair(s)	\$ 59.95	
Additional Repair(s)	\$ 10.00	Maximum of 3 Repairs

Our policyholders retain the right of personal choice and preference in their selection of a glass shop. However, because Allied is obligated, on behalf of all our policyholders, to pay only the fair market value (nothing more) for glass repairs and replacement services, you may consider refusing the job if you are unwilling to provide service at the prices Allied has offered above.

If you desire to bill for more than Allied's fair market value stated above, you must advise our policyholders prior to initiating glass repair/replacement so that they can determine whether they are willing to pay the additional costs for your services. If specific claims situations arise where additional costs are necessary and for which the policyholder has not authorized payment, you must contact the SGC Network at 614/602/2120 for approval prior to performing the additional repairs and incurring the additional costs.

The SGC Network is administering our glass program. Bills that are accurate and are not more than this pricing structure will be paid promptly as submitted. All future invoices will be honored in accordance with these established rates. Send invoices to:

Allied Insurance C/O SGC Network P.O. Box 182647 Columbus, OH 43218-2647

We look forward to working with you in providing glass service to our policyholders. If you have any questions, please call the SGC Network at 614/602/2120.

Sincerely, Allied Claims Manager

Rate D & E

RESPONSE INSURANCE COMPANY

and subsidiaries Connecticut Life and Casualty, National Merit, Worldwide and Teachers Insurance

Friday, April 09, 2004

Dear Shop Owner/Manager,

We appreciate the glass service you are providing Response Insurance Company insureds. To facilitate timely payment of invoices and avoid misunderstandings, we are informing you of Response Insurance Company's updated pricing standards. These prices are not the lowest available to us. We believe they represent fair and reasonable pricing for your area. All pricing is based on the most current published NAGS benchmark list. Invoices from you that are accurate and not exceeding this pricing structure will be paid promptly as submitted. All future invoices will be honored in accordance with these established rates. The pricing structure is as follows effective April 16, 2004;

Windshield discount:	65.00%	Off of NAGS
Curve Tempered discount:	65.00%	Off of NAGS
Labor charges:	\$40.00	Flat
High Modulus/		
Non-Conductive Urethane:	\$ 65.00	1.0 Kit
	\$ 95.00	1.5 Kit
	\$125.00	2.0 Kit
All other urethanes	\$ 20.00	Flat
Windshield repairs:	\$ 59.95	
•	\$ 10.00	For additional repairs, maximum 3 total

Our policyholders have the right of personal choice and preference in their selection of an automotive glass shop. However, because we are obligated, on behalf of all of our policyholders, to pay only the fair market value for glass repairs and replacement services, you may consider refusing the job if you are unwilling to provide service at the prices Response Insurance Company has offered above. Nothing contained in any oral or written notice received by us or our agent from you purporting to reject such pricing for services you may render for any of our insureds will be binding on us or otherwise require us to pay you additional sums for services rendered.

If you desire to bill for more than Response Insurance Company's fair and reasonable pricing as stated above, you must advise our policyholders prior to initiating glass repair/replacement so that they can determine whether they are willing to pay the additional costs for your services.

The SGC Network is administering our glass program.

Send invoices to:

Response Insurance Company

P.O. BOX 182275

COLUMBUS, OH 43218-2275

We look forward to working with you in providing automotive glass services to our customers. If you have any questions, please call (614) 602-2120.

Sincerely, Claims Manager Response Insurance Company



Thursday, April 01, 2004

Dear Shop Owner / Manager,

We appreciate the glass service you are providing Hawkeye-Security Insurance insureds. In order to provide timely payment of future invoices, and avoid misunderstandings, we are writing to inform you of Hawkeye-Security Insurance's updated pricing standards. The pricing structure, which will be effective April 9, 2004, is as follows:

Windshield discount:	43.00%	Off of NAGS
Curve Tempered discount:	43.00%	Off of NAGS
Labor charges:	\$40.00	Flat
High Modulus/		
Non-Conductive Urethane:	\$ 65.00	1.0 Kit
	\$ 95.00	1.5 Kit
	\$125.00	2.0 Kit
All other urethanes	\$ 20.00	Flat
Windshield repairs:	\$59.95	
,	\$10.00	For additional repairs, maximum 3 total

The above prices are not the lowest available to us, but represent fair and reasonable pricing for the market.

All future invoices, which are correct and not exceeding this pricing structure, will be paid promptly as submitted.

We request that you send all future invoices to:

Hawkeye-Security Insurance P.O. Box 182874 Columbus, Ohio 43218 – 2874

We look forward to working with you in providing glass service to our customers. If you have any questions concerning Hawkeye-Security Insurance's glass program, please call (614) 602-2120.

Rate D

Hawkeye-Security Insurance Company Peerless Insurance Company The Midwestern Indemnity Company Peerless Indemnity Insurance Company The Netherlands Insurance Company Consolidated Insurance Company Indiana Insurance Company Ref. Senate Bill No 2396

Turtie Mountain Glass 226 E 11th St Bottineau, ND 58318 701-228-2013 2-8-05

Senators

I strongly suge Caution with this bell. Please do not waite your time passing another set of laws that will not be enforced . I encauraged the passage of a bill 2 years ago prohibiting the waiving of deductibles, which I thought would put us all back on an even playing field. In less than a week the States attorneys of Bismack and Minot announced they two would not prosecute any complaints on this bill. Our local States Attorney said he would not address tunless there was a complaint.

In small town North Dakota our expenses are higher than they are for installers in Fargo, Grand Facks, Bismack or Minot. We of course don't get the discount of a supplier, we also have to consider the Cost of freight getting the windshield to us. Even our glass supplies will not deliver to towns North of Hivery d-We drive to Minot to peckupour supplies.

We believe in quality work and products of someone we install a windshield for has an accident and is injured because of our use of non quality products We have to live with the fact that our friend and neighbor was injured because of us.

We were told by a Minot insurance agent that Some installers are not using wrethene products so that they can cut prices. Senatous that windshield has to stand up to 2000 lbs of presence when the airbaggoes

goes off. Silicone products doest don't cut it. Susurance descounts and increased deductibles are causing some of these practices. Over the past Lyears the NAGS (Vational Auto Slaw Systems) price list on the common windshields we install has basically remained the some however the insurance discounts have increased quarterly. Effective February 28th the new price lists are supposed toube bare bones. We are receiving notices including NaGIS + 42% to NAGS-24%. Our Liscount off NAGIS (puchasing) is estimated to be about 25%. Some are asking us to install at our cost, We are then tomake it up in labor (which und to be a 35 = 580 set teprice) using our hourly late X NAGS listed hours. Hourly sate in our tour runs from 35 to 44 for glass installation. Progressive even tells us what our hously rate willbe. Many insurance mow refuse to write a policy with less than a 25000 deductible, prefuebly 500, deductible. We very not sorely install a windchield that costs more than \$50000. Now its up to the individual to come up with thermoney for his windshield. Just how many minimum wage families, even with & incomes, Can afford a 500 windshield? Look around as you are driving. How many Cracked windshields Canyou natice. Our windshield installations in 2004 are down 14,000. from 1999, Lenators, I don't lave how ou cut your budget sie, when you are young and ander educated you cannot afford to feed, clothe and Iducate a family, put a roof over their heads, pay medical insurance, pay for a trustworthy we hicle

and its insurance, pay for household insurance and aliferinsurance policy and still have money for vehicle glass and medical emergencies.

Now lets take a look at Senate Bill# 2396 Page 1 Section 1 paragraph 142

This is good but isn't it already a law?

Paragraph 34 H

Yes I really like this but will this cause insurances to say pullout of North Dolata That would be cheapest for them because in reality the #\$ they get from North Dakota are just a drap in the bucket.

Please define person in such a way as not to lane a loophale. person? company? corporation? Agency?

Page 2 section 3

again please define person, Installer? Owner? de

paragraph / sursubsection B

this should read May Not paya sum etc. Why are we allowed to do what is denied to the insurance companies. If this remains a May pay etc. Is this incentive of up to 4/0000 per Windshield, perday, perweek, permonth, peryear? If you do quality work why do you have to pay someone to give you referale: Paragraph 2

adveitize quality, service and safety?

4

facegraph 3

Le pacagraph I subsection Bakay because it is not a "set fee"? Le directing not often arranging?

Le realize this isn't exactly what you are saying here, but please be cautious of loopholes.

I truly appreciate the help you are trying to give us; but as loasely as this reads I would strongly recommend a do Not Pass",

Respectfully Jan Picaed Tuetle Mountain Glass Bottineau, N. D 58318 701-228-2013 72701-228-3131

#5



State Farm Insurance Companies

February 7, 2005

TURTLE MOUNTAIN GLASS 226 E 11TH ST BOTTINEAU, ND 58318

Sent Via Fax: (701) 228-3131

Dear Offer & Acceptance Participant:

Please read this entire letter as it includes a pricing change.

Pricing Structure Change:

In response to the recent quarterly release of the NAGS pricing update and based on market conditions in your area, we have adjusted our discount structures for your facility.

Under the Offer & Acceptance Agreement, you previously agreed to future pricing structures upon notification from State Farm. The pricing structure offered below applies to all shops in your county. Effective with dispatches dated on or after February 28, 2005, the pricing for glass service for your county set forth in Section 1 will be as follows:

A. Glass for Autos, Vans, and Light Trucks: DOMESTIC AND FOREIGN

Windshield & Tempered: Amount invoiced not to exceed 42% above NAGS List Price Labor:

Not to exceed \$120.00 per glass piece installed

Since the inception of State Farm's National Glass Program, we have managed our non-Offer and Acceptance competitive bid process to ensure all bids are competitive. When we ask you for a bid, we are looking for a non-Offer and Acceptance, competitive bid. We understand your bid may be higher than the O&A price you have agreed to in your Offer and Acceptance contract with State Farm for other glass claims. Simply stated, you are free to provide any dollar bid you wish to compete for these jobs.

The above information describes changes to the Offer and Acceptance Agreement previously completed by your facility. All other terms and conditions of the Agreement remain in effect. As provided in the Agreement, either party can terminate the Agreement in writing at any time.

Unless we receive a **WRITTEN** removal request, any jobs dispatched to your facility on or after February 28, 2005, will be processed under the new pricing structure and your facility will continue to remain on the Offer and Acceptance program. Your removal request can be mailed to Glass Claim Services (formally known as Glass Central) or faxed to the following numbers: 309-766-9971 or 9972.

#6

State Farm Insurance Companies



If you have questions regarding the invoice processing change please contact Glass Services at (309) 766-6000. LYNX Services is available at (239) 479-6000 should you have questions about invoices you submit for payment.

As always, we appreciate the help you provide to our customers and look forward to our continuing efforts to provide those customers with the best glass claim service in the industry. Thank you for your continued participation in our glass claim program.

Sincerely,

Robert P. Bischoff, CPCU

National Glass Manager

Robert P. Bushf

TO: 701-228-3131

08Feb05 1702 EST FROM: -

#7 PAGE 001



National Glass Unit

Tuesday, February 8, 2005

Dear Shop Owner/Manager:

We continue to appreciate the glass service you are providing to Progressive's policyholders and claimants. We recently conducted an analysis of fair market pricing and have concluded that an adjustment to Progressive's Fatr and Reasonable pricing structure is appropriate at this time. In order to facilitate timely payment of invoices and avoid misunderstandings, we are informing you of our updated pricing standards. These prices are not the lowest available to us; however, we believe they represent fair and reasonable prices for the market.

The pricing structure is as follows effective for services performed on or after the February 28, 2005 NAGS rebalancing:

Part	Discount/Price	Unit	Note
NAGS Windshields	24% Off (-) NAGS List		
NAGS Tempered	24% Off (-) NAGS List		
Labor	\$40.00 Flat Labor		
Plus	\$30.00 per NAGS Hour		
High Modulus/Non-Conductive Urethane	\$35.00 Kit	1.0	
	\$55.00 Kit	1.5	!
	\$70.00 Kit	2.0	
All other urethanes	\$15.00 per NAGS kit quantity		
Repairs	\$50.00, plus \$10.00 any additional		Max 3 repairs

While the actual invoice costs for individual vehicles may increase or decrease as a result of this change, Progressive has attempted to keep price levels unchanged in total.

The prices listed above supersede any prior pricing agreements with Progressive. However, if you have previously negotiated an agreement with a local Progressive claims branch, and if that agreement provides for larger discounts than those listed above, then you should continue to honor your agreement with the branch for any glass work done in conjunction with a collision or comprehensive claim that includes damages in addition to glass.

Safelite Solutions LLC is administering our glass program. Customers should report their claim to 1-800-PROGRESSIVE so that coverage can be confirmed, before any work is begun. Payment will be made promptly if a claim is opened, coverage is in order, and invoices are complete and accurate and are not billed at rates higher than this pricing structure. Send invoices to:

Progressive

P.O. Box 182876

Columbus OH 43218-2876

We look forward to working with you in providing glass service to our customers. If you have any questions, please contact Safelite Solutions at ShopCare@safelite.com or by faxing 614-210-9504.

Sincerely,

Progressive claims

Rate D&E

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W01034	GBN	610.60		DW01104	ZZN	707.50	3.7 m	DW01189	GBY	637.50	2.6 m	DW01226	GBN	696.40	
WG1035	GBN	640.00		DW01105	GBN	619.50	2.8 m	DW01170	GBY	640.65		DW01227	GaN	620,50	
N01036-37	GTY	629.50		DWD1107	GBN	641.25	2.8 m	DW01171	GBN	580.20		DW01229	GBM	628.30	
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NAGS	Cata		Lebo	ď	NAGS	Code	or Pric	e L	abor	ŇĀG	8 Co	or Pric	e Labor	NAG	S Coi	ne Daine	
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WQ1025	GBN	532,30		J ^c	W01095	CLN			5 K	DW01160	GBN	527.5	C 2.2 m	DW01213	GTN		2.9 m
W01626	CLY	332,30	2.2 k			GBN	519.9			DW01161	GTN	568.0	5 2.6 cm	DW01214	GEN		3.5 mm
	GBY	667.45			W01096	GBN	532.3			1	GBN	572.3	5 2.6 cm	DW01215	GBN		4.0 mm
W01027	ĞTN	492.05		L	W01097	GBY	655.20			DW01162	GTN		5 2.6 cm	DW01216	GBN	708.85	3.1 m
W01028	GBN	551.80			W01098 W01099	CBY	en=	3.0			GBN		5 2.5 cm	DW01217	GBY	667.45	
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W01030	ZZN	1284.30		- In	W01100	GBN	556.90			DW01165	GBN		5 2.5 m	DW01219	GBN	653.10	2.8 m
W01031	GBY	841.75			W01100	CBY	696.75			DW01166	GBY	667.4		DW01220	GBN	772.35	2.8 m
W01032	CBY		3.0 k		W01102	GEY	231 75	3.0		DW01167	GTN		5 2.8 m	DW01221	GBN	710.00	2.8 m
W01034	GBN	610.60			W01103	CBY	641.75			ļ	GBN	593.50	2.8 m	DW01222	GBN	630.45	2.3 cm
W01035	GBN	640.00			M01104	ZZN	707.50	3.0		Diameter	GBY		2.8 mn	DW01223	GBN	587.65	2.3 cm
W01036-37	GTY	629.50			W01105	GBN	619.50		***	DW01158	GBN		2.2 m	DW01224	ĠBN	709.85	29 m
N01039	GBN	521.55		l l	N01106	GBN	013,50		km	DW01189	GBY		2.6 m	DW01225	GBN	696,40	2.9 m
NO1040	GBN	588.60		f	A/D1107	GBN	641.25			DW01170	GBY	640.65		DW01226	GBN	596.40	2.9 m
N01042	GTN	688.80		- 4	M01108	GBN	UT1.23	2.8		DW01171	GBN	580.20		DW01227	GUN	620.50	
N01043	GBN	552.65		[M01110		1179.50								GBN	628.30	25 m
N01044	GBN	624.55			V01111	GEN	772.35			DW01173	GEY	664.05		DW01231	GBN		2.3 ma
N01045	GBN	574.15		1	V01112	GEN	582.20			DW01174	GBN	774 00	2.7 km	1	GGN	621,90	
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V01047	GBN	574.20	8.5	•	V01114	GEY	585.70			Dimina	GBN	0.39.40	2.1 m 2.1 km	DW01234-35	GTN	912.25	
V01048	CLN	:	2.3 km		ID1115	CBY		2.8	k	1	GBY	630 40	2.1 km 2.1 m	DW01238-37		1068.70	
	CEN	510.75	2.3 m	DV	V01116-17	GTN	564.00			DW01176	GEN	607.45		DW01241	GTN		2.5
V01050	GTN	893.50 2	2.8		<i>1</i> 01118	GBN	561.15		m	DW01177	GTY	1250.00		DW01246-47	GEN		2.0 k
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01060 01061		609.50 2	3 cm	DW	01127		573.00			DW01185	GBN		2.3 m	DW01256		693.90 2	
101062		980.00 2		L	****	GBY		2.4 c	km	DW01186	GBN		3,1 m			693.90 2	
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