

PENNSYLVANIA COLLISION TRADE GUILD

A DIVISION OF PENNSYLVANIA ASSOCIATION OF AUTOMOTIVE TRADES

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House Bill 2041 Permits Unreasonable Search and Seizure throughout Pennsylvania

How about legalized Wreck Chasing on the streets of every Pennsylvania community and in everyone's backyard? Picture an insurance company sponsored tow truck taking your property away without your permission to an insurance company's (DRP) Direct Repair Partner repair shop of the insurer's choice – Not Your Choice. It is about to happen unless you pick-up the phone and tell your State Legislators enough is enough. It is time for those citizens of the State of Pennsylvania who strive to protect their liberties provided by the Constitution of the United States of America to ask our State Legislators, "What are you elected officials doing in Harrisburg?" "Who are you representing, the insurance industry or the citizenry of the Commonwealth?" Take a look at House Bill 2041 and examine what entity benefits the most with this proposed legislation. We understand the proposed legislation may have started out with the consumer's best interest in mind but what happened along the way? What entity reached into the legislative bureau of our State's General Assembly and lobbied their way into the language and the good intentions of a few consumer protection minded legislators? Are not many of our State Legislators attorneys by trade and should recognize when an insurance lobbyist suggests language that removes the rights of vehicle owners in an attempt to legalize wreck chasing and illegal search and seizure of a vehicle owner's personal property? The House and the Senate both have legislative bureaus where legal aids check and double-check the contents and language of proposed legislation, a task not taken lightly to assure legislators there is no conflict within the proposed laws and to safeguard the general public. Most people would believe their legislator would recognize a violation of the 4th and the 14th Amendments of the Constitution of the United States and turn a thumbs-down motion when anti-consumer legislation passes in front of their desk. As per the 14th Amendment, no state can deprive any person Life, Liberty, or Property

without due process of Law, it appears that Life, Liberty and the Pursuit of happiness are the rules of our society as long as the insurance industry's corporate greed is satisfied and they can have their way with your personal property when and how they please.

Well folks, this is what our legislators are doing in our state's capitol this week. Scheduled for a vote on the House Floor on Tuesday, March 9th is House Bill 2041, introduced by The House Insurance Committee, it removes your rights to control your automobile property after an accident. This Bill introduced as a Towing Standards Bill was written to set standards within the automotive industry where a few unscrupulous tow truck operators take advantage of unsuspecting motorists after an accident and over charge in both the tow service and the repair end of the incident. We agree this act of over charging the consumer or the consumer's insurance company is not fair and should be addressed. However to blindly create a law that provides an insurance industry their own policing power to take control of one's vehicle when and where ever they choose is absolutely absurd and it is about to happen unless the people of Pennsylvania tell our legislators "No". Within this proposed legislation is language that requires towing companies to contact your insurance company and advise your insurer that you or your family member had an accident and report the event and location of where your damaged vehicle is located. The Bill requires the tow man to search through your private automobile property and look for the pertinent information your insurance company requires. Well, many people would consider this act a violation of one's confidentiality, a non-consensual invasion of your privacy and an intrusion upon your private property. Let alone the thought of some tower you do not know riffling through your belongings to satisfy your insurance company's needs. The sole intent of requiring this

illegal search and seizure of your private property is to help the insurance company identify where your damaged vehicle is located so they can send out their legalized wreck chaser tow truck to retrieve your property without your permission and exploit the repair process of your vehicle within their controlled insurance company environment. This may create a real problem for you. Perhaps you are hesitant to report your accident to your insurance company and instead, thinking you will pay for the loss yourself. People do this all of the time to protect themselves from higher premiums and loss exposure. Or what if your claim is against the wrongful party that hit your vehicle and you elect to have their insurance company pay for the damages without your insurance company being notified of the claim. The insurance industry's object is to track your every move and document your personal loss profile. Another scenario would be your vehicle is damaged beyond repair and declared a total loss. What if the insurance company offers you a low-ball settlement, which you refuse however this proposed legislation HB 2041 allows the insurer to take control of your automobile investment without your consent. Once the insurer has taken the totaled vehicle, you're left with a "take it leave it" settlement without recourse. This may happen whether it is your insurer paying for the loss or the

wrongful driver's insurance company for which you have no contractual policy agreement. Unfortunately this proposed law gives the insurance industry the right to your take your automobile investment without your knowledge or consent.

What is considered today as illegal search & seizure could be considered legal if these bills are passed! Searching of your property and then the seizing of your automobile through the use of legalized wreck chasers for insurance company's corporate greed is about to happen unless you stand up for your rights.

We believe your property, your choice, your liberties and freedom to choose are being taken away by the stroke of a Legislator's pen. Folks we have a problem. The insurance industry has gotten far too powerful in Harrisburg.

Please realize there are several good minded, consumer-oriented legislators who are trying to block the passage of House Bill 2041. Help them by calling your Legislators immediately and tell them to Kill House Bill 2041.

Stephen E. Behrnt – Director
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