



BUSINESSSENSE

Change is nigh

The future is coming and you cannot afford to stand still, says Tim Kelly.

Advanced driver-assistance systems (ADAS) are now being fitted to just about every car, yet I have bodyshops approach me seeking advice on whether they should invest in ADAS recalibration equipment.

The simple answer to this question is yes. As a potential income stream it is huge, and vehicles are only going to get even more complex. Especially considering the announcement Department for Transport's recent announcement that "self-driving" vehicles could be allowed on UK roads by the end of this year.

When you have insurers, the ABI, and Thatcham creating the Insurance Industry Requirements (IIR) for the safe repair of ADAS-equipped vehicles, you know they are more than aware of the vicarious liability should they not.

What are the ramifications should you not recalibrate?

Under the 2015 Consumer Rights Act, it covers not only the "goods" but the "repairs" carried out. In short, you cannot "part repair" a vehicle. That is, repair a front bumper but not recalibrate the ADAS – if the vehicle is so equipped and the OEM advises it. You have a legal duty to reinstate the vehicle correctly and fully. An owner cannot only sue you but cause a whole lot of other problems for you, too.

I read insurance contracts on a regular basis because of what I do. I also compare them to the previous years. On reading Admiral's insurance contract recently – specifically around ADAS – my eyes almost popped out of my head.

Tucked away in the windscreen section of AD-004-019-Renewal-Brochure Admiral (which interestingly has been removed from the company's website) it says:

We will not pay for any loss, damage or liability directly or indirectly caused or contributed to by

- 1. Your vehicle being used if you have opted to not have your ADAS recalibrated when it has previously been required or recommended.*

What's changed? Your policy will now cover the cost to recalibrate your vehicle's ADAS (if it's required) following a repair to your vehicle or the replacement of your windscreen. We have also added an exclusion to confirm that if you have opted to not have your ADAS recalibrated when recommended and this is a contributing factor to an accident, no cover will be offered."

If you allow a vehicle off your site and have informed the owner you have not recalibrated the ADAS – should they have an accident whereby they hit another vehicle and kill the occupants, the insurer may or may not cover it.

At this point, it could be a multimillion-pound claim and if the driver is not covered, guess who the driver's legal firm would go after?

If this has raised your eyebrows and made you concerned, I hope it terrifies the living daylights out of you, as it does to me. This is very serious. It wouldn't surprise me to see other insurance companies following suit, as via the ABI most insurers tend to follow in line with what others have done.

Do you think you need to invest in an ADAS recalibration system now? You can no longer use guesswork or simply not check what is required to repair vehicles correctly, you must access the vehicle repair methods for every vehicle that comes on site. Putting a car on a jig, doing a geo or windscreen repair, in fact virtually any type of damage to a vehicle could well make it be required.

Should you be dealing with engineers or VDAs from Insurers or claims management companies, use the resource above but also make sure you have a disclaimer advising "should an ADAS recalibration be required and not authorised they agree to all potential vicariously liabilities". It should well stop any potential arguments stone dead.

To learn about the new IIR standard or to download a guide to support its implementation, visit <https://tinyurl.com/n238bwsm>.