

How To Handle Your Property Damage Claims

Because of the unnecessary cost to you that would result from a fee being charged to handle a claim for repairs or total loss to your car, Todd E. Copeland & Associates, P.A., does not handle the property damage portion of your case.

The following are a few basic tips you should be familiar with in handling the claim for damaged to your car with the insurance company:

1. Inform the insurance adjuster that your lawyer, represents you for your personal injury case ONLY, not your claim for damage to your vehicle.
2. Do not discuss your injuries or the facts of how the accident occurred with anyone without your lawyer present. Any release you sign should clearly state that it is for property damage only.
3. The value of your car when it is a total loss in an accident is determined by what a similar car, in similar condition, can be purchased for in the community where you live. It is not based on "NADA," "Blue Book," or any other "book" values. Those values are for vehicles, which dealers have prepared for resale. The value is reduced when your car has any old damage, bad paint, rust, high mileage, worn tires, mechanical problems, is dirty, or is missing certain basic accessories. The value is definitely not based on what you owe a dealer, bank, or finance company for the balance of your loan. The car may be worth more or less than that figure and you will have to make arrangements for the payoff of any loans with the lender.
4. Repairs to your vehicle may be made at the shop of your choice. However, if a competent repair facility agrees with the insurance company to repair it for a certain price, that's all the insurance company is obligated to pay. You should ask your shop to accept the company's estimate if it is lower, or discuss the differences with the appraiser for the insurance company.
5. If the insurance company estimate, or one you obtain, omits any item that is overlooked, do not authorize the shop to repair it until the insurance company has an opportunity to inspect it and approves the additional cost.
6. Finally, the value of your vehicle when it is a total loss is usually negotiable. If you can provide evidence that the value should be higher, the adjuster may offer more. The adjuster must always pay sales tax and transfer fees in addition to the actual cash value, if you are replacing the car.
7. If your car is towed by a wrecker to any place other than your home, chances are that you will be charged storage fees of \$10 to \$15 a day as long as they have the vehicle. If the car is going to be repaired, you should call the repair facility and ask them to go get the car. If it is a total loss, the insurance company needs your permission to have it moved to a salvage yard. If you refuse, you may be held responsible for storage charges after that date.

8. You are entitled to reasonable compensation for the loss of use of your vehicle (even if you don't actually rent a replacement vehicle) unless the vehicle is a total loss due to the accident. Generally, however, the insurance company will only willingly pay for rental expense you actually incur. Rentals are available in the Orlando area from several agencies at special rates far below normal commercial rates. Ask the adjuster to refer you to such an agency. The adjuster may be willing to be billed directly for the rental, but is under no obligation to do so. Generally, you will have to turn in the rental vehicle as soon as your vehicle is repaired or appraised as a total loss. You must pay the bill and submit your receipt to the adjuster for the insurance company. If your own insurance company is handling the claim for damage to the vehicle, be sure you have rental reimbursement coverage or an agreement from the at-fault party to pay for it, or you may have to pay for the rental yourself.

9. Your car dealer, local newspaper, loan officer, insurance agent, and the State Insurance Commissioner are all possible sources of assistance to you in handling your claim.

10. ** Be very careful about signing any releases or cashing any checks that may extinguish your bodily injury or other claims. You should never execute a General Release or Release of All Claims in exchange for payment of your property damage. When in doubt, always contact a lawyer before signing any papers or cashing any checks.