Diminished Value and Other Car Crash Insurance Issues

Most people deal with an insurance adjuster long before a lawsuit is even a question. The adjuster's job is to evaluate the claim for the insurance company, and some common practices can reduce the value of a claim if they go unnoticed. Knowing these practices is one reason people speak with an auto accident lawyer before they sign anything.

Early calls from the adjuster

The other driver's insurer may call within days and ask for a *car accident lawyer* recorded statement. Usually there is no duty to give one to the other driver's insurer, although a person's own policy may require cooperation with their own insurer. Comments made while hurting or medicated can later be used to dispute the claim. Adjusters sometimes send broad medical authorizations that open records unrelated to the crash. A car crash lawyer will often limit what is shared to records connected to the crash.

Quick offers and low-impact arguments

An offer may arrive before the full extent of an injury is known. Accepting it usually means signing a release that ends the injury claim. Some insurers argue that minor vehicle damage means no one could have been hurt, or point to gaps in treatment and preexisting conditions. They may also argue comparative negligence, assigning part of the fault to the injured driver.

Repairs and total losses

A property damage claim usually moves faster than an injury claim. If the car can be repaired, the insurer writes an estimate, and the shop may find more damage once the car is taken apart. Rules on aftermarket parts depend on the policy and state law. If repairs would cost more than a threshold set by state law or the insurer, the car is declared a total loss. The insurer then pays the actual cash value, the market value right before the crash. Listings for comparable vehicles can support a higher valuation, and gap insurance, if purchased, may cover a remaining loan balance.

Getting around during repairs

While the car is being repaired, the at-fault driver's insurer may owe the reasonable cost of a rental or payment for loss of use. How long that period should last is a common dispute, particularly when parts are delayed or the insurer is slow to inspect. A person's own rental reimbursement coverage typically has a daily limit and a maximum number of days. Keeping receipts and notes of each call with the adjuster helps support https://caraccidentlawyers.wiki/reference/lawyers-and-fees/ the claim.

Loss in resale value

A repaired car with a crash history often sells for less than one without. That difference is called diminished value. Whether it can be recovered depends on the state and the type of claim. Third-party claims against the at-fault driver's insurer are more often allowed than claims under a person's own policy, which may exclude diminished value. An independent appraisal and the vehicle history report help document the loss. A car accident lawyer will know the rule in the state where the crash happened.

Complaints and general information

Every state has an insurance regulator that accepts consumer complaints, and some states also have bad faith laws for unreasonable claim handling. This is general information rather than legal advice, and no article can promise a particular result.