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# Property Damage Claims: Motor Vehicle Accidents

*Tips For Settling Your Property  
Damage Claim With The  
Insurance Company*  
*By Chris Davis, Attorney at Law*



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## Washington Accident Books & Reports

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## PROPERTY DAMAGE CLAIMS TIPS FOR SETTLING YOUR PROPERTY DAMAGE CLAIM

Working with insurance companies after an auto accident can be a complicated and frustrating process. When a car is badly damaged, many insurance adjusters will consider it a “total loss” and begin the settlement process. Often times, adjusters will try to settle on a replacement vehicle that the accident victim feels is an unfair substitute.

If you have been in an accident and are working with your insurance company, it is important to have proper knowledge of the situation to avoid an unfair settlement. The following tips could help ensure you receive a proper settlement:

*Make sure you  
fully understand  
what you're  
agreeing to.*

- 1.) Insurance papers can be extremely technical and confusing. Before you sign any papers, make sure you fully understand what you're agreeing to. Research any terminology or phrases you do not understand. Also, do not be afraid to contact your insurance company and ask any questions you may have pertaining to the documents they wish for you to sign. If you sign the papers too soon, you may jeopardize your chances of receiving a fair property damage claim.
- 2.) If your car is no longer drivable after the accident, your insurance company or the at-fault driver's insurance company may have an obligation to provide you with a rental car. The insurance company may try to put you in a smaller rental car in an attempt to save money. However, they are obligated to provide a rental car that is the same size as the vehicle you were driving at the time of the accident.
- 3.) Research the value of your car at the time of the accident using your local classifieds or websites such as autotrader.com. Insurance companies tend to value your car by finding similar vehicles as close to your home as possible. Sometimes, this results in an unfair offer. To avoid this scenario, it is important that you take the time to properly research the value of your vehicle at the time of the accident. Browse the internet and contact

local auto dealers to compare the year, make, model, and condition of your vehicle with other cars on the market. The insurance company will give greatest weight to the similar vehicles that are closest to where you live and/or work. Sometimes the carrier will give more weight to those vehicles located in a big metropolitan area, like the city of Seattle.

You are not required to accept the adjustor's first settlement offer if you think it is less valuable than your previous vehicle. If this happens, simply counter-offer with copies of vehicles you have found in your own research. You can also ask the insurance company to provide documentation with details on how they valued the vehicle. Do not hesitate to request this information, as the insurance company is obligated to provide this information under the law. The law states that insurance company must provide documentation for low offers that delineate from the market price of the original vehicle. By obtaining this information, you will also be able to ensure the adjustor gave you credit for every upgrade or after-market feature in your vehicle.

- 4.) You have the right to keep a rental vehicle for a "reasonable" period of time. What is reasonable will vary from case to case depending on the facts involved. You should not keep the rental car longer than what is reasonably necessary, unless there is a good reason why (e.g., the repairs to your vehicle require more time). You may be held responsible for additional charges if there is a dispute about what period is reasonable. The insurance company will provide a rental vehicle from the date of the accident until they make a "reasonable offer" for your replacement car. Return the rental the moment the adjustor tells you, even if your settlement check has not arrived.
- 5.) Know your rights. There are detailed rules and guidelines that insurance companies must abide by when handling property damage claims. These rules, established in the Washington Administrative Code (WAC 284-30), can provide you with necessary support as you work with the adjustor. The code dictates which driver's insurance company must provide a settlement, how the insurance company must value the property damage claim,

and what rights you have to defend your claim. These rules are available to the public at <http://www.insurance.wa.gov/publications/auto/totalLoss.pdf>

- 6.) Should I have my own insurance company handle the property damage? Even though the accident was not your fault, your own insurance company may offer to handle the property damage claim. This has pros and cons. Typically your own insurance company can handle the claim much faster than the at-fault driver's insurance company. Your own company will be guided by the terms and conditions of your policy, as well as the amount of coverage under your policy. While the at-fault driver's insurance company will usually not provide you with a rental car or work on the body damage until they've spoken with their insured or obtained a copy of the full police report, your own insurance company is able to move forward without this information. However, your own insurance company will require you to pay your deductible when you pick up your car. This can be hard for some people while trying to pay for medical treatment after the accident. Rest assured that once the at-fault driver's insurance company accepts responsibility for the accident, they will reimburse your insurance company for the property damage claim and your deductible will be returned.

- 7.) Replacing your vehicle: Your insurer can settle your claim by offering to replace your vehicle with a comparable vehicle that is available for inspection within a reasonable distance from where your vehicle is principally garaged. Your insurer must advise you by phone or in writing of their settlement offer. This communication must be documented in the claim file. If it is a phone call, the documentation must include the date, time, and name of the person in your household they spoke with.

- 8.) Cash settlement: Your insurer can settle your claim by offering a cash settlement based on the actual cash value to purchase a com-

*You Are **Not**  
Required To  
Accept The  
Adjustor's First  
Offer.*

parable vehicle. Only vehicles identified as comparable may be used to arrive at the actual cash value. You can request a copy of the "valuation report" that notes the information used to determine the amount of the cash settlement.

- 9.) What can I do when the insurance company wants to repair my vehicle with used parts? Since your car was not new at the time of the accident, the insurance company has a right to repair the vehicle with used parts. However, the used parts must be comparable in quality and age. Even though the part is used, the repair shop will use a part from the same manufacturer, same year and of the same quality as the original part. Used parts come from a nationally based locating system and can arrive in 1-2 business days. Whereas, new parts come from the manufacturer or dealerships and typically take weeks before delivery.
- 10.) Many times throughout the repair process, the body shop will discover additional damage that was not initially approved by the insurance company. When this happens the body shop will document the additional damage by taking photographs or asking the insurance adjustor to come to the body shop and inspect the damage. Unless the insurance company can prove that the additional damage is not accident related, they will be obligated to repair it. If the insurance company refuses to repair the additional damage, you should take the car to other body shops and have them document in writing their opinion that the additional damage must be accident related because it is not the type of damage that is normally caused by regular wear and tear.
- 11.) If you are unhappy with the repair work done on the vehicle, it is best to return to the original body shop and explain why you are unhappy. Most body shops will do everything in their power to make the customer happy. If the body shop refuses to address your concerns, take the vehicle to other local body shops and have them document what should have been done by the shop, but was not. You can then provide the insurance company with this information.

*Protecting the Legal Rights of*  
**Injury Victims & Their Families**



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