Diminished Value and Other Car Accident Insurance Issues

Most people deal with an insurance adjuster long before a lawsuit is even a question. An adjuster evaluates the claim on behalf of 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 signing anything.

What the adjuster may ask for

The other driver's insurer may call within days and ask for a recorded statement. There is usually no obligation to give one to the other side's insurer, though a person's own policy may require cooperation with that insurer. Statements made while in pain or on medication can be used later **car accident lawyer** to dispute the claim. Adjusters may also send broad medical authorizations that reach records unrelated to the crash. A car accident attorney usually limits what is shared to records related to the crash.

Quick offers and low-impact arguments

An early settlement offer can arrive before the full extent of an injury is known. Accepting it usually means signing a release that ends the injury claim. Insurers may argue that light vehicle damage means no one could have been hurt, or they may point to preexisting conditions and gaps in treatment. 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 repair shop may find hidden damage once work begins. Whether aftermarket parts may be used depends 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.

Rental cars and loss of use

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. The length of that period is often disputed, especially when parts are back-ordered or the inspection is delayed. A person's own rental reimbursement coverage typically has a daily limit and a maximum number of days. Receipts and a log of calls with the adjuster help support the claim.

What diminished value means

Even after a good repair, a car with a crash history often sells for less. That loss is known as 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. A written appraisal and the vehicle history report can document the loss. A car accident lawyer can explain whether the state where the crash happened allows the claim.

Complaints and general information

Each state has an insurance department that takes consumer complaints, and some states have bad faith laws for unreasonable claim handling. **car accident claim** This is general information rather than legal advice, and no article can promise any result.