Insurance Adjusters, Total Losses and Diminished Value

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 what to expect is one reason people talk with a car accident lawyer before signing anything.

What the adjuster may ask for

An adjuster for the other driver may call ***car accident attorney*** within days to request a 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. Statements made while in pain or on medication can be used later to dispute the claim. Adjusters sometimes send broad medical authorizations that open records unrelated to the crash. A car accident attorney will often limit what is shared to records connected to the crash.

Early offers and disputed injuries

An early settlement offer can arrive before the full extent of an injury is known. Accepting 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 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

The property damage part of a claim usually resolves sooner than the injury part. If the car can be repaired, the insurer writes an estimate, and the shop may find more damage once the car is taken apart. Whether aftermarket parts may be used depends on the policy and state law. When repairs would exceed 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 car accident lawyer before the crash. Listings for comparable vehicles can support a higher valuation, and gap insurance, if purchased, may cover what is still owed on a loan.

Rental cars and loss of use

The at-fault driver's insurer may owe the reasonable cost of a rental car, or payment for loss of use, while repairs are underway. 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

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 on the kind 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. An automobile accident lawyer will know the rule in the state where the crash happened.

When a claim stalls

Each state has an insurance department that takes 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 any result.