Insurance Adjusters, Total Losses and Diminished Value

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.

Early calls from the adjuster

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. 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. An auto accident attorney will often limit what is shared to records connected 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 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. 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 ***car accident lawyer*** cash value, the market value right before the crash. Listings for comparable cars can support a higher number, 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. How long that period should last is a common dispute, especially when parts are back-ordered or the inspection is delayed. Rental coverage under a person's own policy usually has a daily cap and a limit on the number of days. Receipts and a log of calls with the adjuster help support the claim.

Diminished value

A repaired car with a crash history often sells for less than one without. That difference caraccidentlawyers.wiki is called diminished value. Whether it can be recovered depends on the state and the type of claim. Claims against the at-fault driver's insurer are more commonly allowed than first-party claims under one's own policy, which may exclude it. A written appraisal and the vehicle history report can document the loss. An automobile 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 any result.