

# AUTO ACCIDENTS & PROPERTY DAMAGE CLAIMS

A STEP-BY-STEP GUIDE FOR HANDLING A VEHICLE  
PROPERTY DAMAGE CLAIM WITHOUT HIRING AN ATTORNEY.



Not every car wreck results in an injury. In cases where an accident only causes vehicle damage, most people end up handling property damage claims themselves - not only because it's most cost-effective, but also because many lawyers won't take or can't help with these cases

At George Sink, P.A. Injury Lawyers, we want to help South Carolinians resolve their property damage claims as easily and efficiently as possible - without having to hire and pay a lawyer. The following guide and tips can help you handle your vehicle damage claim all on your own!

GET THE MONEY YOU NEED TO REPAIR OR REPLACE YOUR VEHICLE

# Getting Started

Under South Carolina law, if someone else caused damage to your vehicle, you are often entitled to compensation. This means you usually shouldn't have to pay for damages you didn't cause.

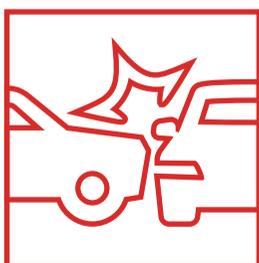
## YOUR VEHICLE WAS DAMAGED

Many car accidents only result in vehicle damage but no personal injury for those in the vehicle. If you find yourself in this situation, there are a few things you will want to do to get started on your property damage claim and get you money to repair or replace your vehicle.

- Time is an important factor -- so act quickly -- or you may lose your rights.
- Following the accident, do as much as you can to gather evidence and information you'll need for your property damage claim. This includes taking pictures of the scene and vehicle damage and exchanging information with any involved parties, witnesses, or law enforcement officers.
- If you are certain you are not injured and don't need an attorney of your own, carefully contact the other driver's insurance company. Understand that you'll be dealing with the insurance company, not the driver who caused your accident. Anything you say to the insurance company may potentially be used to deny your claim.
- Call their insurance company to discuss your situation, find a point of contact, and get a claim number. Keep this claim number handy, as you'll need to reference it throughout the claim process.

- After calling, follow up with a written notice to the other driver's insurance company. This will help ensure the insurance company knows of your claim, and that you will also receive a written notice of any actions they take. Your note may be evidence that the insurance company had notice of your claim.
- Be prepared for the process ahead and make sure you have information and documents you'll need to support your side of the story, such as any notes about damage, witnesses' names and contact information, and an accident report. The insurance company will likely require a lot of information from you.
- The other person's insurance company may require you to get an estimate of your car's damage. Try a trusted repair shop or a car dealership you trust.
- Your own insurance company may, in some cases, offer to work with the other insurance company to get your car repaired, but you may have to pay your deductible to get your car repaired through your own car insurance.

*If you or someone you love was **injured**, it's important that you seek assistance from an experienced lawyer as soon as possible. If you have been injured and received regular treatment after the collision, our lawyers are also available to [review your case for free](#) and discuss how you may be entitled to financial compensation.*



# Claim Denial or Acceptance

After starting the property damage claim process, you can expect one of two answers: either the insurance company **accepts** your claim and makes an offer, or they may **deny** your claim.

## DENIAL

After reviewing your claim and the information you have provided, the insurance company may choose to deny your claim. This means that they don't believe their driver is 100% at fault for causing the accident, or that they otherwise refuse to pay your claim. You can ask for the denial in writing, and the other driver's insurance company should state a reason for the denial.

If - after reviewing the reason for denial - you disagree with the denial, you should review all evidence you submitted and write a letter explaining why you are appealing the decision.

## ACCEPTANCE

If the insurance company has found that their driver was at fault and agrees to pay, they will accept your claim. The next issue becomes how much they will reimburse you for your damages. You can work with an adjuster to negotiate a fair settlement. This settlement amount will often be based on a repair estimate from a car repair shop.

If you have difficulty negotiating a fair settlement, you may try contacting your own insurance company and making a claim under your collision coverage (if you have collision coverage in your policy). Ask your insurance company to get reimbursement for your deductible from the other driver's insurance company.

# After a Claim is Accepted

After your property damage claim is accepted, you'll want to be sure you get the money you deserve. How much the insurance company will pay out will depend on the unique facts of your case, including whether your car will be considered a **"total loss"** or **"repairable."**



# Your Car is “Repairable”

As a “Rule of Thumb” (only) your vehicle may be considered repairable if the cost of repairing it is **less than 75%** of the car’s value immediately before the crash. Your vehicle’s value is based on Fair Market Value (FMV).

## REPAIR ESTIMATES

To determine how much it costs to perform repairs on your vehicle, you should get at least one estimate from a dealership or trusted repair shop. Some insurance companies may ask for an additional estimate, and if they request more than two estimates, they should pay any associated costs.

- After obtaining an estimate, an insurance adjuster may make you an offer. If you don’t believe this offer is sufficient, keep pushing until you get the best deal you feel you can get.

## DIMINISHED VALUE

In addition to negotiating repair costs, you should also request payment for diminished value - the amount of money that accounts for any decrease in the value of your car (since it has been involved in an accident). You should pursue payment for diminished value if your vehicle is newer (usually less than three years old) and if repair costs were more than 25% of its value.



## REPAIRS & PAYMENT

You have the right to fix your vehicle anywhere you choose. Once you do select a repair service, you will need to focus on the payment:

- If you own your vehicle, the insurance company may pay out your claim directly to you. You can use these funds to pay for the costs of repairs.
- If your vehicle is financed, the insurance company will probably write both you and your insurance company a check - or in some cases write a check to the repair service directly. The finance company wants to see that repairs are made in order to protect its interest in the vehicle.



# Your Car is “Totaled”

Your vehicle will be considered a total loss - or “totaled” - if the cost of repairing it is roughly equal to or more than **75%** of the car’s value as a “Rule of Thumb” before the crash. Your vehicle’s value is based on Fair Market Value (FMV). You can use [www.nada.com](http://www.nada.com) to find an estimate of the present FMV for your car. Keep in mind that insurance companies may determine FMV differently.

## UNDERSTANDING FMV

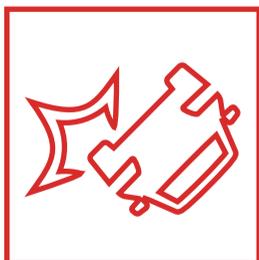
If your car is considered a total loss, it’s important to understand fair market value and what it means to your claim:

- For example only, if your vehicle had a FMV of \$10,000 before the crash and repair costs are estimated to be less than \$7,500, the other driver’s insurance company may only have to pay for the costs of repairs. If repair costs are estimated to be \$7,500 or more (75% of FMV), then the insurance company may consider the car a total loss and pay the pre-accident FMV of \$10,000.
- Most importantly, you should know that insurance companies will not likely pay more than the fair market value (in most cases the law doesn’t require them to do so). This means that even if repair costs are more than FMV (the car is totaled), the insurance company may only be required to pay up to the FMV of your car before the crash.
- If you and an adjuster agree on your vehicle’s pre-accident FMV and you accept their offer, the other driver’s insurance company will pay you FMV, if it is considered to be a “Total Loss” and will take your vehicle. This is because they recover whatever value the car may still have - also known as salvage value.



## PAYMENT

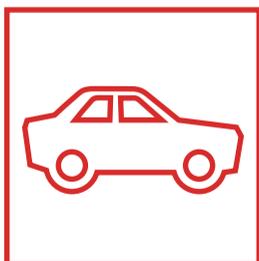
- If you own your vehicle lien free, the insurance company may pay out your claim directly to you and it is your responsibility to get your car replaced.
- If your vehicle is financed, the other driver's insurance company may pay your finance company and then write you a check for the difference - which would roughly be your equity in the vehicle. If you owe more on your vehicle's loan than you are paid by the insurance company, the finance company will collect the insurance check and you will still owe the difference. There may be exceptions if you purchased gap insurance or have repair or replacement coverage.



# Rental Cars

When your vehicle has been damaged in an accident you did not cause, you may be entitled to a rental vehicle that will be, in most cases, paid for by the other driver's insurance company.

- If your car is **repairable**, you are entitled to a rental vehicle from the time of the collision - if your vehicle is not drivable - to the time the repairs have been made. If your car is drivable, you may be entitled to a rental car when you take it in for repair.
- If your car has been **totaled**, you are usually entitled to a rental vehicle from the time of the collision - if your vehicle is not drivable - to the time an offer is made by the other driver's insurance company. The insurance company will not usually be responsible for the rental car after they make an offer.
- Difficulties may arise when insurance companies won't accept liability and provide you with a rental car. This is usually due to the insurance company's internal procedures, which may require them to speak with their driver before paying out any benefits. When this is the case, you may be able to get a rental car through your insurance's collision coverage or pay out of pocket and wait to be reimbursed when and if liability is accepted.





George  
**Sink, P.A.**

INJURY LAWYERS

In a Car Wreck?  
We Can Help!

If you have been **injured** in a car wreck that was not your fault, George Sink, P.A. Injury Lawyers can help you fight for the compensation you need to help pay for medical bills, lost wages, and more! We've helped over 35,000 injured and disabled people. If you have been injured or in a car wreck, we will gladly review your case for FREE to see if we can help you. If you'd like, we will even come to you anywhere in the state!

Visit [www.sinklawn.com](http://www.sinklawn.com) for more information or call 888-612-7001 to schedule your FREE consultation.

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