



HOW TO HANDLE YOUR PROPERTY DAMAGE CLAIM



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OUR GOAL

AT THE EMBRY LAW FIRM, WE WANT TO ENSURE YOU UNDERSTAND YOUR RIGHTS AND OPTIONS WHEN HANDLING YOUR PROPERTY DAMAGE CLAIM. BELOW IS A BREAKDOWN OF HOW TO HANDLE REPAIRS OR TOTAL LOSS SITUATIONS WHEN FILING WITH YOUR OWN INSURANCE CARRIER VS. THE AT-FAULT PARTY'S INSURANCE.



IF YOUR VEHICLE IS REPAIRABLE?

CHOOSING A REPAIR SHOP YOU HAVE TWO OPTIONS:

1. USE YOUR OWN SHOP

✓ YOU CONTROL THE QUALITY AND CHOICE OF REPAIRS

✗ MAY REQUIRE YOU TO NEGOTIATE DIRECTLY WITH THE INSURANCE COMPANY ON COST.

2. USE AN INSURANCE-RECOMMENDED SHOP (NETWORK SHOP)

✓ REPAIRS ARE USUALLY GUARANTEED FOR THE LIFETIME OF THE VEHICLE.

✓ INSURANCE COMPANY HANDLES MOST OF THE PROCESS FOR YOU.

✗ YOU MAY HAVE LESS CONTROL OVER THE REPAIR PROCESS.



TIP: ALWAYS ASK IF THE REPAIR SHOP USES **OEM** (ORIGINAL EQUIPMENT MANUFACTURER) PARTS OR AFTERMARKET PARTS. OEM PARTS ARE PREFERRED FOR BETTER QUALITY AND VEHICLE VALUE RETENTION.



WHAT ARE YOUR RENTAL CAR COVERAGE OPTIONS?

- IF YOU HAVE CAR RENTAL INSURANCE COVERAGE, YOU CAN USE YOUR CAR INSURANCE: YOU CAN RENT A CAR IMMEDIATELY, AND YOUR INSURANCE WILL HANDLE REIMBURSEMENT, OR YOUR INSURANCE COMPANY WILL SET UP A RENTAL RESERVATION FOR YOU.
- IF YOU DO NOT HAVE CAR RENTAL INSURANCE COVERAGE, THEN USE THE AT-FAULT DRIVER'S INSURANCE: YOU'LL NEED THEIR APPROVAL FIRST, WHICH MAY CAUSE DELAYS, OR THEY WILL SET UP A RENTAL RESERVATION FOR YOU.



PRO TIP:

- A RENTAL RESERVATION ALLOWS THE RENTAL COMPANY TO BILL THE INSURANCE COMPANY DIRECTLY. HOWEVER, THE RENTAL CONTRACT IS BETWEEN YOU AND THE RENTAL COMPANY, MEANING:
- YOU MUST MEET THE RENTAL COMPANY'S REQUIREMENTS (PAY A DEPOSIT, POSSIBLE AGE RESTRICTIONS, A CREDIT CARD MAY BE REQUIRED).
- YOU WILL HAVE TO PURCHASE ADDITIONAL INSURANCE COVERAGE FOR THE RENTAL CAR BECAUSE IF SOMETHING HAPPENS TO THE RENTAL VEHICLE, YOU ARE RESPONSIBLE FOR DAMAGES.

YOU MAY HAVE A DIMINISHED VALUE CLAIM

EVEN AFTER REPAIRS, YOUR CAR LOSES VALUE BECAUSE IT HAS AN
ACCIDENT HISTORY. YOU MAY BE ENTITLED TO DIMINISHED VALUE
COMPENSATION.

- ✓ OBTAIN A DIMINISHED VALUE APPRAISAL FROM AN INDEPENDENT SOURCE.
- ✓ FILE A DIMINISHED VALUE CLAIM WITH THE AT-FAULT PARTY'S INSURANCE.
- ✓ USE ONLINE TOOLS LIKE CARFAX OR KELLEY BLUE BOOK TO SHOW THE REDUCED MARKET VALUE.



PRO TIP:

INSURANCE COMPANIES WON'T BRING UP DIMINISHED VALUE—
YOU MUST REQUEST IT!



IS YOUR VEHICLE A TOTAL LOSS?

HOW LONG DO YOU GET A RENTAL?

- IF YOU USE YOUR CAR INSURANCE POLICY: TYPICALLY COVERS A RENTAL UNTIL YOU RECEIVE YOUR SETTLEMENT CHECK.
- IF YOU USE THE AT-FAULT INSURANCE POLICY: MAY LIMIT THE NUMBER OF RENTAL DAYS AFTER THEY MAKE AN OFFER (OFTEN 3-5 DAYS AFTER SETTLEMENT).

 **PRO TIP: ASK FOR AN EXTENSION IN WRITING IF YOU NEED EXTRA TIME TO FIND A REPLACEMENT VEHICLE.**



HOW TO NEGOTIATE YOUR TOTAL LOSS OFFER

INSURANCE COMPANIES DETERMINE YOUR CAR'S VALUE BASED ON COMPARABLE VEHICLES IN YOUR AREA,
BUT YOU CAN NEGOTIATE!

✓ RECENT UPGRADES & REPAIRS: PROVIDE RECEIPTS FOR NEW TIRES, BATTERY, STEREO, ETC. THESE ADD VALUE.

✓ FIND YOUR OWN COMPARABLES: USE WEBSITES LIKE AUTOTRADER, CARGURUS, OR KELLEY BLUE BOOK TO FIND SIMILAR VEHICLES WITH LOWER MILEAGE AND HIGHER TRIM PACKAGES TO ARGUE FOR A HIGHER VALUE.

✓ MILEAGE MATTERS: IF THE INSURANCE'S COMPARABLES HAVE LOWER MILEAGE, ADJUST THE VALUATION BASED ON INDUSTRY STANDARDS (~\$0.05-\$0.10 PER MILE DIFFERENCE).

💡 **PRO TIP:** DON'T ACCEPT THE FIRST OFFER. TAKE A DETAILED LOOK AT THE TOTAL LOSS EVALUATION TO ENSURE THAT THERE WERE NO ERRORS IN DEDUCTIONS FOR THINGS LIKE WEAR AND TEAR, WHICH ARE OFTEN A SUBJECTIVE OPINION.





THE
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DID YOU HAVE PERSONAL ITEMS IN THE VEHICLE?

IF YOU HAD PERSONAL BELONGINGS IN THE VEHICLE THAT WERE DAMAGED, YOU MAY BE ENTITLED TO REIMBURSEMENT.



✓ CAR SEATS & CHILD SAFETY ITEMS: IF A CAR SEAT WAS IN THE VEHICLE DURING THE ACCIDENT, THE INSURANCE COMPANY MUST REPLACE IT, EVEN IF IT LOOKS UNDAMAGED.

✓ ELECTRONICS, CLOTHING, OR OTHER ITEMS: PROVIDE RECEIPTS OR PROOF OF PURCHASE FOR DAMAGED PERSONAL ITEMS.

✓ SUBMIT A LIST OF LOST ITEMS: INCLUDE THE ESTIMATED VALUE AND ANY PROOF OF OWNERSHIP (PHOTOS, BANK STATEMENTS, RECEIPTS).



PRO TIP: IF THE INSURANCE COMPANY DISPUTES AN ITEM, ASK THEM TO PROVIDE SOMETHING IN WRITING CONFIRMING THEIR POSITION AND SUPPORTING DOCUMENTS.





DON'T FORGET!

**✓ IF YOU NEED HELP NEGOTIATING, LET OUR OFFICE
KNOW—WE CAN GUIDE YOU.**

**✓ DON'T LET THE INSURANCE COMPANY RUSH YOU INTO
A BAD DEAL—YOU HAVE THE RIGHT TO NEGOTIATE.**

**✓ IF YOU HAVE GAP INSURANCE, VERIFY IF YOU OWE ANY
REMAINING BALANCE BEFORE SETTLING.**

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