



UNDERSTANDING YOUR PROPERTY DAMAGE CLAIM

Daniel Stark PC
INJURY LAWYERS

 888.846.8686

 danielstarklaw.com



LET US EMPOWER YOU

This brochure will empower you with the knowledge and tools necessary to complete your own property damage claim.

One of the biggest inconveniences of a car accident is the loss of your vehicle. If you are the *owner* of the vehicle that was damaged in a crash, you play a vital role in the property damage claim.

The information outlined in this brochure will equip you to:

- Accurately settle your property damage claim with little assistance;
- Maximize your return on the claim; and
- Get back into a safe vehicle as quickly as possible.

If you are a Daniel | Stark client and need assistance with your property damage claim, the firm is available to help. When you contact our office, we will review your situation at no cost and advise you on how to move forward.

Bryan



Waco



Austin



Toll Free: (888) 846-8686

Fax: (979) 764-8002

DANIELSTARKLAW.COM

@DANIELSTARKLAW



TABLE OF CONTENTS

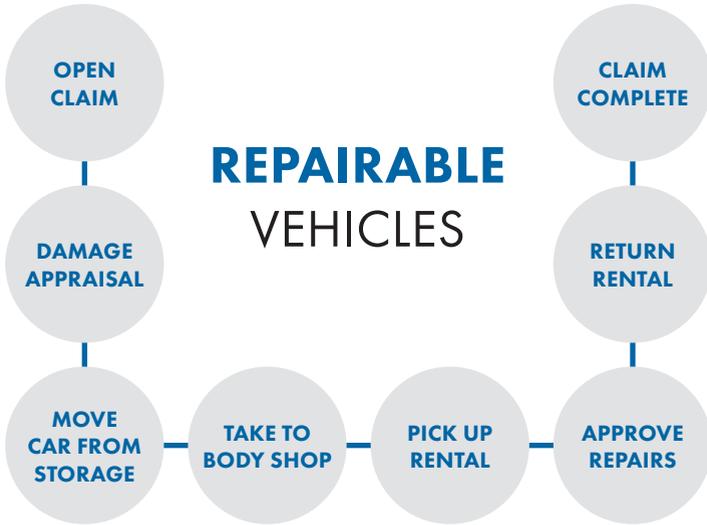
- Getting Started
- First Steps Checklist
- General Tips
- Opening a Claim
- Damage Appraisals
- Storage & Towing
- Rental Cars
- Body Shops & Repairs
- Payments & Paperwork
- Frequently Asked Questions
- Definitions
- Claim Information
- Notes

GETTING STARTED

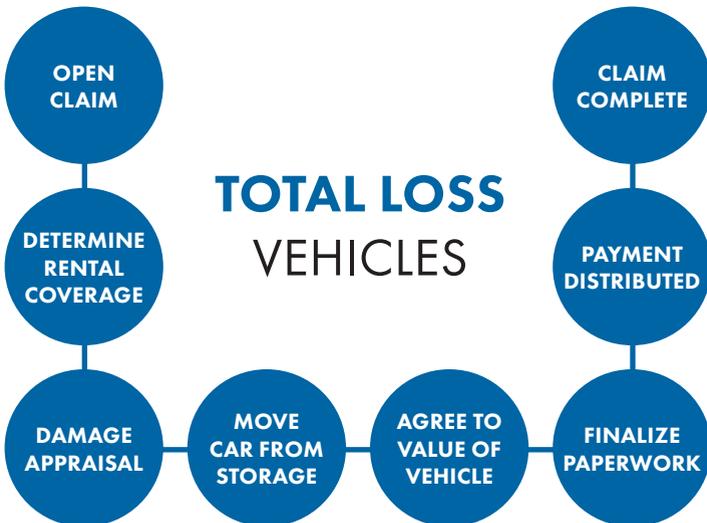
If you were in a car accident and your property was damaged, contact your insurance company to begin the property damage claims process. The **claim adjuster** will assess the damage and determine whether your vehicle is **reparable** or a **total loss**.

Here are the basic stages you can expect from each situation:

REPAIRABLE VEHICLES



TOTAL LOSS VEHICLES



FIRST STEPS CHECKLIST

The First Steps Checklist will guide you through the steps you should take within the first 24-48 hours after your vehicle has been damaged in an accident. Remember, do **NOT** give any written or recorded statements to the claim adjuster.

- ✓ Remove all personal items from the vehicle.
- ✓ If personal items were damaged, take pictures of the items and send your receipts to the claim adjuster.
- ✓ Call the tow yard and allow them and/or the insurance company to access the property and move your vehicle to a free storage lot.
- ✓ Request a copy of your full insurance policy; specifically regarding your collision, uninsured/underinsured (UM/UIM), and rental coverage.
- ✓ If any after-market upgrades were added within the last 6 months, send your receipts to the claim adjuster (this does not include maintenance purchases, such as new tires, alternator, battery, etc.).
- ✓ If you have to pay for alternate transportation, send your receipts to the claim adjuster.
- ✓ Locate your original title. If your vehicle is deemed a total loss, you will have to mail the original title to the claim adjuster.
- ✓ If your title is held by your loan agency, gather the following information for the claim adjuster:
 - Agency Name
 - Address
 - Phone Number
 - Account Number
 - Loan Payoff Amount



GENERAL TIPS

Keep these tips in mind when going through the property damage claims process. If you are a client of Daniel|Stark and have questions about your claim, you are always welcome to contact our office for assistance.

Do **NOT** give a recorded or written statement of any kind!

A recorded statement can be extremely damaging to your claim. If the insurance company requests a statement from you about the crash, *call Daniel | Stark first*. We will give you guidance on what information is best for your claim.

Keep all of your documents together in one place.

Keep the police report, witness contact information, the **at-fault driver's insurance** information, receipts, and claim numbers all together in one place for ease of use.

Take the initiative to **mitigate** your damages.

Limit overall costs by taking the initiative to resolve your property damage claim as soon as possible. After you have contacted the insurance company, remove all personal belongings from your vehicle and allow the tow yard to let the claim adjuster on site, and appraise and move your vehicle. It is acceptable to move your vehicle to a free storage lot before agreeing to a settlement.

Do **NOT** have your car repaired until the insurance company reviews the damage.

The insurance company needs to assess the damage to your vehicle, take pictures, and authorize the repairs before you take it to a body shop. Be sure to take your own pictures of the damage from different angles and distances. Daniel | Stark clients are encouraged to send photographs of the damage to their assisting team.



Do **NOT** sign a property damage release until you are completely satisfied.

Once you sign the property damage release, you will not be able to recover any additional money for your property. Finalize all towing, storage, rental, repair, or total loss expenses with the claim adjuster before accepting the insurance company's settlement check. **Make sure the check states it is for the property damage claim only.**

Do **NOT** sign a bodily injury release while negotiating your property damage claim.

The **bodily injury claim** and the **property damage claim** are two separate claims. If any of the language in the property damage release or settlement check is unclear, call Daniel | Stark. The property damage release and check should NOT state "full and final" or "release of all claims."

Be **aware** of the statute of limitations.

In Texas, auto claims generally have a two year statute of limitations. This means that failing to either settle your case or file a lawsuit to preserve your claim before the two year anniversary of your crash will likely result in you losing any rights you have to a reimbursement.

When can I open my property damage claim?

Call your insurance company as soon as possible after an accident to begin the process. You do not have to wait on a bodily injury claim to be opened to begin.

Which insurance company should pay for the damage, mine or the at-fault party's insurance company?

If you carry collision coverage or uninsured/underinsured (UM/UIM) property damage coverage you can choose to either file under the at-fault insurance company or your own insurance company.

If liability has been accepted by the at-fault carrier, claims are typically filed under the at-fault insurance company. However, you may file under your own insurance company if:

- The at-fault insurance company is disputing liability of the crash;
- The at-fault insurance company is denying the claim based on a **“reservation of rights”**;
- The at-fault driver has no auto insurance coverage;
- Your vehicle is at tow yard incurring storage charges and the at-fault insurance company will not make an offer on your vehicle; or
- You disagree with the offer from the at-fault insurance company and you would like an alternate appraisal from your own insurance company.

If you decide to file under your own insurance company, compare your collision and UM/UIM coverage and select the one that best fits your car repair needs in terms of the lower deductible, higher **policy limits**, and/or rental car coverage.

NOTE: Only one insurance company can resolve your entire property damage claim. For instance, you cannot ask your insurance company to repair the vehicle while asking the at-fault insurance company to provide you a rental.

Is there a time limit for how long the at-fault insurance company can take before accepting or denying liability?

No, there is no set time placed on how long the at-fault insurance company has to make a decision about who was at fault. If you feel that the at-fault insurance company is delaying a decision, file the property damage claim with your own insurance company.

If I do not carry collision or UM/UIM property damage coverage and the at-fault driver has no insurance, what should I do?

You can attempt to pursue money from the individual that caused the crash through small claims court. Contact your local county clerk to ask how to file a claim.

If you need an attorney for small claims court, you would hire a general civil litigation attorney and often are required to pay fees up front. A property damage claim alone typically costs more in attorney fees than would be won in small claims court. Keep in mind that collecting money from someone with no insurance is usually very difficult, even with an order from the Judge.

If I file my property damage claim under the at-fault party's insurance, do I still have to notify my insurance company of the crash?

Yes, you are still obligated to report the details of the crash to your own insurance company.



How do I get my damage appraisal?

After you file a claim, the insurance company will either send a claim adjuster to review the damage to your vehicle, or ask you to take it to one of their certified shops for an appraisal. The insurance company will only acknowledge damage estimates from their own claim adjusters.

Damage appraisals are based on the year, make, model, mileage, and condition of your vehicle. Once the claim adjuster calculates their offer, request a copy of their **market summary analysis** along with a breakdown of the offer that itemizes reimbursements of any deductibles or after-market upgrades.

What if my personal belongings were damaged in the crash?

If there were items inside your vehicle that were damaged, give the claim adjuster a list of the items, receipts for their value, and photographs of the damage. If you do not have the original receipts, let the claim adjuster know the price/brand/model of the item for comparison.

Examples of common personal belongings include:

- Child car seat (replacement is **mandatory** even if the seat was unoccupied at the time of the accident)
- After-market vehicle upgrades (stereo, GPS, accessories, etc.)
- Personal items (tablet, laptop, phone, eyeglasses, etc.)

What is the fair market value of a vehicle?

Fair market value refers to the price you could have sold your vehicle for to an individual person prior to it being involved in a crash. Find out the fair market value of your vehicle by using resources such as KelleyBlueBook.com, AutoTrader.com, NADA.com, or IntelliChoice.com.

How is it determined if my car is repairable or a total loss?

Repairable means the cost to repair your vehicle is *less than* its fair market value. You can choose any body shop you trust to repair your vehicle; however, using the insurance company's preferred body shop is recommended because the insurance company will likely guarantee their certified shop's work. The cost of repairs is typically discussed between the body shop and the insurance company.

Total Loss means the cost to repair the vehicle (of crash-related damage only) is *higher than* the fair market value of the car. The insurance company will pay you fair market value for your vehicle (plus tax, title, and license) to purchase a replacement vehicle of your choosing.

What if I disagree with the damage appraisal?

If you or the body shop fixing your vehicle believe there is damage that the claim adjuster did not take into account in their estimate, the body shop can call the insurance company and ask for a supplemental appraisal. The claim adjuster will inspect your vehicle again and may issue another check to cover any additional damage found.

NOTE: Do not delay settling your claim! If there is a disagreement, you or the body shop should contact the claim adjuster immediately.

What if my car is a genuine, restored classic vehicle?

You may have to pay an independent certified appraiser to evaluate the value of your car. The insurance company should honor the appraisal and pay you the appropriate amount.

I don't want my vehicle to be a total loss, what can I do?

If the at-fault insurance company determines your vehicle to be a total loss and you have personal collision coverage, ask your insurance company to appraise your vehicle as well. Your insurance company may decide to repair it instead of total it out. If so, allow your insurance company to handle your property damage claim.

STORAGE & TOWING

When can I get my personal belongings from my vehicle?

Remove your personal belongings from your vehicle as soon as possible! After you remove your personal items, you **must** give the tow yard permission to allow the claim adjuster to go on site and appraise and/or move your vehicle.

What should I do with my car if it is at a storage lot?

You must remove your vehicle from the storage lot or tow yard as soon as possible. The longer you keep your vehicle at a storage lot, the more likely you will be responsible for the storage costs. Remember to give your storage fee receipts to the claim adjuster for reimbursement.



RENTAL CARS

Am I entitled to a rental car if my vehicle is **REPAIRABLE**?

Yes, but the number of days will vary based on which insurance company is handling your property damage claim. If your claim is filed under the at-fault insurance company, the at-fault insurance company is required to provide you a rental car during the time in which your vehicle is being repaired. If your claim is filed under your own insurance, your insurance company will provide you rental coverage only for the number of days provided under your rental car policy (typically 30 days).

Am I entitled to a rental car if my vehicle is a **TOTAL LOSS**?

Read the language in the insurance policy to see if you are entitled to a rental car. An insurance company may only provide a rental from the day of the crash to the day they make you the total loss offer, but not for an extended period of time. If you have already received a total loss offer, ask the claim adjuster if they will provide a courtesy rental. Courtesy rentals are commonly offered for 5 days or a cash value of \$150. If there is no rental car coverage on the policy, it is best to accept the cash option.

What if I do not need a rental car?

If you do not need a rental car, you may be able to get its cash value instead. If the insurance company allows this option, they would pay you the daily rate for a rental car comparable to your own vehicle.

How do I ensure the rental car is issued to the correct person if there are multiple registered owners on the title?

Ask the claim adjuster to put the rental car under the primary driver's name. If the claim adjuster refuses to do so, it is best to request the cash value of the rental car to ensure the main driver can pay for alternate transportation.



BODY SHOPS & REPAIRS

Once I agree to an estimate, do I have to take my car to the insurance company's preferred body shop to be repaired?

It is *best* to use the insurance company's preferred body shop for repairs. If for some reason you are unhappy with the repair work after it is done, you can take your vehicle back to the body shop and have the claim adjuster review the repairs. Should you choose a different shop and they take longer to fix your vehicle than was initially quoted, you could have your rental car taken away early. In addition, if you choose a different repair shop and they make additional repairs not listed on the appraisal, you will be required to pay out-of-pocket for the repairs.

What if the body shop finds damage the appraiser didn't?

If you take your vehicle to your own preferred body shop, they may find additional damage they believe was caused by the crash. Ask the body shop to call the insurance company and request a supplemental appraisal. The insurance company can then return to inspect your vehicle and if they agree with the body shop, they will issue a supplemental check.



What can I do about faulty repair work?

When you pick up your vehicle from the body shop, ask them to walk you through exactly what they repaired or replaced. This will allow you to get a thorough look at the repairs before you leave the body shop with your vehicle. If you notice damage that was not repaired or incorrectly repaired, return your vehicle to the body shop immediately. If you wait to return your vehicle to the body shop, your damages can be denied. The body shop will inspect the repairs in question and they will contact the insurance company for payment if additional damage or faulty repairs are found.

How long will it take to repair my vehicle?

Refer to the claim adjuster's appraisal to determine how long it should take to repair your damaged vehicle. Continually follow up with the body shop to make sure they will have your vehicle repaired by the claim adjuster's deadline. Should the body shop need additional time, make sure the body shop requests an extension so that your rental car is not taken away too early.

Am I responsible for paying my own deductible if the at-fault insurance company accepts liability?

Yes, if you use your own insurance company to resolve your property damage claim, you will have to pay your deductible up-front. Once the at-fault insurance company accepts liability, they will reimburse you for your out-of-pocket deductible after the completion of the claim.

How much money will I get for my vehicle?

The insurance company will typically reimburse you the fair market value. To get a general idea of the fair market value of your own vehicle, use KelleyBlueBook.com or AutoTrader.com to calculate the depreciation factors involved with owning a vehicle over time (i.e. mileage, wear and tear, dents).

What do I do with my vehicle after it has been deemed a total loss?

One option is to accept the insurance company's offer and *release* your vehicle and title to them. The insurance company will tow away the car and you will provide the claim adjuster with the original title, all keys, and a completed Power of Attorney form. If a financing company or other lien holder has the original title, the insurance company will issue the check to the lien holder.

Another option is to *keep* your vehicle, but you will be required to obtain a **salvage title** on the vehicle which notes the vehicle has been deemed a total loss. In this situation, you will be paid the fair market value minus **salvage value**. Call your tax assessor's office for more information about salvage titles.

What if the car title is not in my name?

The insurance company will issue the total loss check to the legal owner of the vehicle which is the person named on the title. You must first transfer the title to your name in order to have the insurance company issue the check to you.

What if my car title is held by my lien holder?

If the **title** is held by another business (such as a bank), the insurance company will issue the check to them. If there is any money left over after the loan is paid off, that money will be issued to you. If the insurance company's offer does not satisfy the full balance on the loan, you will be responsible for paying off the remaining amount.

What if my total loss offer is less than what I owe on my vehicle?

Check to see if you purchased **GAP insurance** through your lien holder or dealership when you bought your car. GAP insurance should cover the difference between the fair market value (your total loss offer) and the amount you still owe the lien holder. Once your total loss claim is completed, you can open your GAP claim. Keep paying your GAP payments until your GAP claim is fully resolved.

If you do not have GAP insurance, you will have to make the rest of your car payments on your own, but you should always talk to your loan agent about your situation. In some cases, dealerships may roll the amount of your old loan into a new loan or work with you in other ways to help you pay off the car note.

Will my premiums go up if I use my own insurance?

No, your monthly insurance payments should not change if the insurance companies determine the crash was not your fault.

Do I need to continue to make my car payment if my car has been totaled?

Talk to your loan agency about the situation and follow their guidance.



FREQUENTLY ASKED QUESTIONS

Can I change my auto insurance company in the middle of my property damage or bodily injury claim?

You should wait to change your insurance company until after you complete your property damage claim. You can change your insurance company while your bodily injury claim is still pending.

Can I hire an attorney to handle my property damage claim only?

Property damage claims are separate legal issues from bodily injury claims. You can handle your own property damage claim without the assistance of an attorney. An attorney would not be able to negotiate your property damage offer as it is based on the make, model, year, condition, and mileage of your vehicle. This is often a very straightforward calculation. There is some wiggle room for adding in the value of after-market parts or accessories which the claim adjuster will factor in to the appraisal for you as well.

What should I do if I believe my car has lost significant value due to the crash and resulting repairs?

You can file a diminished value claim with the insurance company. This is a very time consuming and tedious process and is often a claim filed for new and/or very expensive vehicles. You will have to arrange and pay for your own appraisal and the appraisal cost will not be reimbursed to you.

For more information about diminished value claims, visit www.collisionclaims.com/our-services/free-diminished-value-claim-review.



DEFINITIONS

Use the definitions below to help you understand common words used in the context of a property damage claim.

At-fault Insurance: The insurance carrier that covers the vehicle and/or driver that caused the damage.

Bodily Injury Claim: Injury to body and mind as a result of another's negligence. This may include costs associated with past and future medical treatment, lost wages, physical pain and suffering, mental anguish, disfigurement, and impairment.

Claim Adjuster: Claim adjusters investigate insurance claims by evaluating property damage to determine the extent of the company's liability and negotiate settlement offers to reimburse the owner.

Damage Appraisal: The evaluation of damage and estimate of time and costs to repair or replace the vehicle and/or property.

Deductible: Your out-of-pocket cost for repairs. After you pay up to the deductible cost of repairs, the insurance company will pay the remaining cost of repairs.

Fair Market Value: The amount someone would pay for your car based on the year, make, model, options, condition, and mileage of your car before it was in an accident.

GAP Insurance: Typically offered by a finance company when you purchase your vehicle. It covers the difference between the actual cash value of the vehicle and the balance still owed to the financing company (either loan or lease).

Lien Holder: A person or business who has a claim on property until the satisfaction of a debt. For example, a bank is a lien holder of a car until the loan is paid off.

Market Summary Analysis: A research summary used to determine the fair market value of your vehicle by comparing it with similar vehicles in your geographical area.

Mitigate: By law, it is your responsibility to minimize the costs incurred as a result of the crash. For example, you need to contact the insurance company to begin the property damage appraisal process as quickly as possible to avoid unnecessary costs.

Policy Limits: The highest amount the insurance company will pay for damage per the contract with their insured.

Property Damage Claim: Injury to property as a result of another's negligence. This may include harm to a vehicle, fence, tree, home, or other possession.

Reservation of Rights: The insurance company may issue a warning letter, called a Reservation of Rights, stating they may deny coverage of some or all of the claim even while the company is currently investigating the claim or beginning to treat the claim as if it were covered.

Salvage Title: A type of branding that notes a vehicle has been damaged and/or deemed a total loss by an insurance company.

Salvage Value: The amount a salvage yard is willing to pay the insurance company for your wrecked (and not repaired) vehicle.

Title: A legal document showing ownership of a vehicle.



CLAIM INFORMATION

Claim # _____

Claim Adjuster Information

Name: _____

Phone: _____

Address: _____

Body Shop Information

Name: _____

Phone: _____

Address: _____

Rental Car Company Information

Name: _____

Phone: _____

Storage Lot Information

Name: _____

Phone: _____



Serving injured Texans for over 15 years.

Danny Daniel



Jonathan Stark

Auto Accident

Brain Injury

Car Product Liability

Construction Accident

Defective Product

Dog Bite

Drug Injury

Electrocution Injury

Burn Injury

Medical Malpractice

Motorcycle Accident

Nursing Home Abuse

Oil Field Injury

Premises Liability

Social Security Disability

Trucking Accident

Veterans Disability

Wrongful Death

NOTICE: THIS IS AN ADVERTISEMENT.

Bryan



Waco



Austin



Toll Free: (888) 846-8686

Fax: (979) 764-8002

DANIELSTARKLAW.COM