What to Expect From the Insurance Adjuster After a Car Crash

After a car crash, most people deal with an insurance adjuster long before they think about a lawsuit. An adjuster evaluates the claim on behalf of the insurance company, and some common practices can lower what a claim is worth if they go unnoticed. *car accident lawyer* Understanding these practices is one reason people consult a car accident attorney before they sign anything.

What the adjuster may ask for

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, although a person's own policy may require cooperation with their own 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 usually limits what is shared to records related to the crash.

Early offers and disputed injuries

An offer may arrive before the full extent of an injury is known. Accepting usually means signing a release that ends the injury claim. Some insurers argue that minor 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.

Property damage claims

The property damage part of a claim usually resolves sooner than the injury part. When a car is repairable, the insurer prepares an estimate, and the repair shop may find hidden damage once work begins. 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 owes the actual cash value, meaning the market value just 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

While the car is being repaired, the at-fault caraccidentlawyers.wiki driver's insurer may owe the reasonable cost of a rental or payment for loss of use. The length of that period is often disputed, particularly when parts are delayed or the insurer is slow to inspect. 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.

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 the type of claim. Third-party claims against the at-fault driver's insurer are more often allowed than first-party claims under one's own policy, which may exclude diminished value. A written appraisal and the vehicle history report can document the loss. A motor vehicle accident attorney can explain whether the state where the crash happened allows the claim.

Complaints and general information

Each state has an insurance department that takes consumer complaints, and some states have bad faith laws for unreasonable claim handling. This article is general information, not legal advice, and no article can promise a particular result.