

**12. The adjuster's offer will not even pay off my loan. Can I make them pay off the loan?** The insurance company does not have to pay off the loan. They make an offer on your car based on what the car was worth before the accident. You are still responsible for the loan.

**13. The offer for property damage is less than loan payoff and the adjuster said I could do a substitution of collateral. What is that?** That is when the finance company allows you to get another car and adds the remainder of the old loan to the new loan. (Not recommended)

**14. Can I request that only new parts be used for repairing my car?** No, if a used part is undamaged and of like kind and quality to the damaged part, the insurance company has the option of repairing damages with used parts.



It is your right to use the licensed body shop of your choice.

**15. I'm not happy with my property damage settlement. Can I get more for my injury settlement?** No, these claims are completely different. Their value and settlement are separate.

**16. Do I have to settle my injury claim when I settle my property damage?** No, usually the property damage is settled first. Beware telling anyone you aren't hurt until you are sure. If you are hurt, later, when you have been released from a doctor and know the full extent of your injuries, the personal injury claim can be settled. Because personal injury is so complex, we recommend you consult an attorney.

*We hope you will find the information in this brochure useful in getting your vehicle repaired after an accident. These materials are provided for information only and are not intended to be legal advice. Applicability of the legal principles discussed within these materials may differ substantially from your individual situation.*

*When you are dealing with any legal matter, we recommend first seeking the advice of an attorney who can advise you about your particular situation and facts. The use of any information provided in these materials should not be taken as establishing any contractual or other form of attorney-client relationship between Ragan & Ragan, PLLC and the reader or user of this information.*



# Getting Your Car Fixed

Answers To Get You Back On The Road



**1-888-846-5427**  
**(Toll Free)**

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**(Toll Free)**



Call us for answers.  
—The Personal Injury Attorneys of  
Ragan & Ragan, PLLC

*“Many times, people are involved in accidents where their cars are damaged whether they have medical injuries or not. Here are some of the most common questions we receive about property damage repair.”*

**1. How do I know who was at fault in my accident?** The police report will indicate who the officer felt was at fault in the accident. However, the insurance adjuster will decide who they feel is at fault through their own investigation. Remember, North Carolina is a contributory negligent state, which means you have to be 100% without fault to recover your losses.

**2. How does the adjuster determine fault and how long does it take?** The adjuster can usually determine fault within two weeks from the time they receive the claim. They investigate the claim by getting the police report, getting statements from all parties, and photographing the cars and the accident scene.

**3. My car was damaged in an accident and I don't know what to do.** Immediately report the claim to the other person's insurance company and your own company. The exchange slip you received at the accident should contain the company's information.

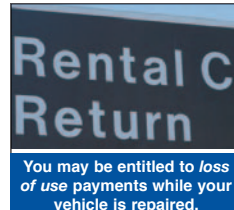


Photos of the damage can sometimes be useful.

**4. What can I do to speed up getting my car fixed?** If your car is driveable, get a written estimate from the body shop of your choice for the repairs. If it is not driveable, let the adjuster know the location of the car for assessment of damages.

**5. What if the other driver does not have insurance?** File an uninsured motorist claim under your automobile insurance policy. This coverage will help you with the property damage as well as any injury claim. This should not have any affect on your insurance rates.

**6. What can I do when my car is not driveable and I need a rental car?** You can wait for the adjuster to provide the rental or rent a car yourself and be reimbursed by the adjuster, if he accepts fault on his insured's behalf. If the adjuster does not accept fault, you will be responsible for the rental expense. Remember, insurance companies do not have to provide rental vehicles but may pay for *loss of use*. You can use these funds to rent a vehicle.



**7. Does the insurance company have to pay the additional insurance coverage on the rental car?** No, they do not. If you have comprehensive and collision coverage on your auto policy, it will transfer to the rental. If you do not, the rental company will require you to pay for the extra coverage out of your own pocket. You will not be reimbursed for this expense.

**8. Can I be compensated for the personal items that were damaged in the accident?** Yes, you can. Generally, these items will be repaired if they can be. If not, they will be replaced for their value at the time of the accident.

**9. What does it mean when they say my car is a total loss?** It means that the estimated damage to your car is more than 75% of what your car was worth before the accident. This means by law that they cannot repair the car and will only pay for the value of the vehicle.

**10. How is the value of my car determined?** There are several guides to go by when valuing a vehicle. Many are sold at book stores. The overall condition of the car is taken into consideration as well. Area dealerships will also give quotes on vehicle values. (Get the quotes in writing)



When valuing your vehicle, document major work like a new motor, transmission, or new paint.

**11. Do I have to accept the offer that was made on my car?** No. You can try to negotiate with the adjuster for a higher offer. Make sure you are prepared to justify with facts why you think the vehicle is worth more than what they are offering.