



Your Legal Rights
By: Michael Cecere

Can your Car Insurance Company surcharge your policy if you make a claim?

Some people are reluctant to make a personal injury claim after an automobile accident because they are concerned that their insurance company will increase their rates or drop them as a policyholder. If you are the victim of an accident, which is not your fault, you should make a claim under your policy without fear that your carrier will enforce a surcharge. Insurance carriers should not surcharge your policy if you are not at fault for the accident. If you have faithfully paid your premium you should look for your carrier to live up to their part of the insurance policy.

It is true that an insurer can surcharge your policy if you are at fault for an accident and they have to pay out on a liability claim. A surcharge is an additional charge added to the basic policy premium. Typically the surcharge will last for three years and then be eliminated at that time. Each insurance company's underwriting requirements are different so you should check with your company to see how they apply surcharges. Some companies have underwriting guidelines which permit them to surcharge for an at fault accident if they have to pay out over a certain amount of money. Also, companies can non-renew your policy based upon their underwriting guidelines. However, you may be eligible for reimbursement of the surcharge if you meet any of the following requirements:

- 1) if you can show that you were reimbursed by or had a judgment against the person responsible for the accident,
- 2) if you can show that you were struck by a hit-and-run driver and the accident was reported to the police,
- 3) if you can show that a court ruled you were not at fault for the accident or adjudicated not to be liable,

or

- 4) if you can provide a written statement to your insurer that you were not at fault and the insurer's file does not provide information to overturn this statement.

In conclusion, if you take the time to purchase the proper insurance and pay those expensive premiums, you should not be afraid to use the coverage when you have a loss.

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Attorney Michael Cecere from Cecere Santana, PA represents property litigation and personal injury cases dealing with automobile accidents, slip and falls, dangerous drugs and products; medical malpractice, nursing home negligence, dog bites and other cases relating to personal injury due to the fault of others. He is a Board Certified Civil Trial Attorney and former insurance defense attorney. You may reach him at (954)653-9969, toll-free at (866) 913-3948 or at mcecere@ceceresantana.com with any questions or comments.