



**YOUR LEGAL RIGHTS**  
**J. ERICK SANTANA, ESQ.**

**AFTER AN AUTO ACCIDENT, REPAIR OR TOTAL LOSS?**

After an accident, if your vehicle has been towed, it will usually be removed from the tow yard by the insurance company. When this happens, the insurance company will send a representative to the location where the automobile is for an inspection of the damages.

The insurance claims representative's task is to assess the damage and write an estimate for the repairs. Upon receiving the estimate from the insurance company, the owner of the vehicle can take the automobile to the body shop of their choice with a copy of the insurance company's estimate.

It is very important that the owner of the vehicle remember to give the body shop a copy of the estimate from the insurance company. If the owner forgets to do so, the body shop could possibly make repairs costing much more than what the insurance company is willing to pay, leaving a large balance for the owner to pay.

If, upon receiving the estimate, the body shop does not agree with the amount, they know to call the insurance company directly for a re-examination of the car. The body shop contacts the insurance company directly because they are aware that the insurance company is the party that will ultimately pay for most of the repairs, excluding any insurance deductibles, not the owner of the vehicle.

It is quite common for the insurance claims representative to return to see the automobile again while at the body shop, especially when the automobile has been taken apart and other damage has been located that could not be seen on the initial inspection.

If upon examining the damage to the automobile, the cost of repairs exceeds 80% of the value of the vehicle, the insurance company has the option of declaring the vehicle a total loss. What this means is that the insurance company will not pay for repairs, but instead give the owner the value of the vehicle, before it was damaged, to the owner.

To obtain the value, the insurance company will review the vehicle mileage and general condition of the automobile, for example poor, average or excellent. If a vehicle has high mileage for its years, more than 12,000 per year, then the value of the automobile will decrease.



*Attorneys at Law*

Good sources of information to verify the value of your vehicle are: [www.nada.com](http://www.nada.com) and [www.autotrader.com](http://www.autotrader.com). If you receive a total loss offer from an insurance company that you feel is low, you can use these websites to compare prices and as bargaining tools to increase their offers.

*For additional information please contact CECERE & SANTANA | Toll free: (866) 913-3948  
Tel: (954) 653-9969 | Fax: (954) 653-9979*