



Who is responsible for paying the repair shop - the insurance company or me?

You are. LA R.S. 22:1892 (C) requires that the check be paid to the claimant or the claimant's attorney. This statute also allows the claimant to direct payment to a particular person. It is advisable to arrange payment prior to picking up your vehicle. You may direct an insurance company to pay the repair shop directly, but the shop should receive payment before you pick up your vehicle or payment must be prearranged to the satisfaction of the repair facility.



Will I be able to get a rental car?

According to LA. R.S. 22:1892(B)(4), if your car was damaged as result of another driver's negligence and there is a delay by the other driver's insurance company, the other driver's insurance company should pay your rental car costs for a reasonable length of repair time. If your car is totaled, many companies will pay for your rental as a courtesy for a short period of time, but they are not required to do so.

If you are filing a claim with your own insurance company, the cost of a rental car will only be covered if you paid a premium to include rental reimbursement coverage in your policy. Most policies have a dollar limit for rental payments, so check your policy if you have questions.



What happens if my car is a total loss?

According to LA. R.S. 32:702(14), if the damage to your car is extensive, and the claims adjuster determines the cost to repair your car is equal

to or greater than 75 percent of the value of your car, the insurance company shall choose to declare your car a total loss. When this happens, your insurance company has the option to take the title for your vehicle when it issues payment on your claim.

The insurance company may use a fair market value survey of qualified retail dealers in your area or a car value service as a guide to valuing the car. The insurance company is required to pay what your vehicle was actually worth at the moment before the crash. The claims adjuster will check to see what a car like yours (same make, model and year) is worth in your general geographic area.

It is also a good idea for you to independently research the value of your car before agreeing to a settlement with the insurance company. If your research indicates a higher value, you may want to try negotiating with your insurer.



Can I be penalized for filing an insurance claim?

According to LA. R.S. 22:1284, an at-fault accident filed with your insurance company will probably cause your rates to rise. However, an insurance company cannot raise your premium for a not-at-fault accident. If you have questions about a rate increase following a claim, contact our Office of Consumer Services at (225) 342-1258.

This public document was produced by the Louisiana Department of Insurance and is available online.

Consumer's Guide to



Auto Insurance After an Accident

Jim Donelon
Commissioner of Insurance

The best time to find out what your auto insurance policy covers is before you need it. Take a look at what types of coverage you have and if you have questions, reach out to your agent.

If you've been in an accident and file a claim, an adjuster will examine the damage to your vehicle and talk with you about the accident. Your insurance company will use the adjuster's findings as the basis of their settlement.



Can I choose the repair shop or does my insurance decide?

According to LA. R.S. 22:1892(D)(1), as the owner of a motor vehicle involved in an accident or submitting an insurance claim, you have the right to select the repair facility of your choice.



The adjuster recommended a specific body shop. Can I use a different one?

According to LA. R.S. 22:1892(D)(1), you can have it repaired wherever you choose.

Ask why the adjuster or insurer recommends a certain shop and if there are any benefits to working with the shop they recommend.

Even if your claims adjuster recommends a specific body shop, you may choose to have your car repaired at the body shop of your choice. To avoid any confusion, be sure to notify the claims adjuster which shop you would like to repair your car, before any of the work is done.



What should I look for when choosing a repair shop?

Ask for recommendations from friends, family, and other people you trust. Look for a repair shop before you need one to avoid being rushed into a last-minute decision.

Also, the local Better Business Bureau or the state Attorney General's office may know whether there's a record of complaints about a particular repair shop.



What should I ask the repair shop?

Always ask for a written estimate. It should include details regarding the work performed, parts needed, and the labor charge. An estimate should state that the repair shop will contact you if repair costs exceed the amount stated on the estimate.



What should I know about the parts to be repaired or replaced?

According to LA. R.S. 51:2424, no insurer shall specify the use of non-Original Equipment Manufacturer (OEM) aftermarket crash parts in the repair of an insured's motor vehicle, nor shall a repair facility or installer use non-OEM aftermarket parts to repair a vehicle, unless the insured is so advised in writing.

In all instances where non-OEM aftermarket crash parts are intended for use by an insurer:

- (1) The written estimate shall clearly identify each such part.
- (2) A disclosure document containing the

following information in ten point type or larger type shall appear on or be attached to the insured's copy of the estimate: "This estimate has been prepared based on the use of crash parts supplied by a source other than the manufacturer of your motor vehicle. Warranties applicable to these replacement parts are provided by the manufacturer or distributor of these parts rather than the manufacturer of your vehicle."

A car owner may request that his vehicle be repaired with OEM parts, but the owner may be responsible for the price difference in cost of such parts. The insurer of the at-fault driver is responsible for returning the vehicle to its pre-loss condition. If aftermarket parts do not void any current warranty on the vehicle, use of aftermarket parts is allowed. If an owner insists on OEM parts, the owner will likely have to pay the difference in cost.

Parts are classified as:

- **New** — These parts generally are made to original manufacturer's specifications, either by the vehicle manufacturer or an independent company. Louisiana requires repair shops to tell you if non-original equipment will be used in the repair. Prices and quality of these parts vary.
- **Remanufactured, rebuilt and reconditioned** — These terms generally mean the same thing: parts have been restored to a sound working condition. Many manufacturers offer a warranty covering replacement parts, but not the labor to install them.
- **Recycled or Salvage** — These are used parts taken from another similar vehicle without alteration. Recycled or salvage parts may be the only source for certain items, though their reliability is seldom guaranteed.