

Salvage of total loss. Maine law requires an insurer to obtain a salvage title when it declares a vehicle a total loss. If an insurer will let you keep the vehicle, it will turn the salvage title over to you. In exchange, it will deduct the salvage value from the amount of the settlement. The vehicle may not be operated on the road until it has been repaired, inspected and rebranded with a title indicating "rebuilt salvage," "rebuilt," or "repaired" by the Maine Bureau of Motor Vehicles.

Appraisal. Most automobile insurance policies have an appraisal clause. This allows disputes between the policyholder and insurer over the amount of loss to a vehicle to be resolved by appraisal. You and your insurer each choose an appraiser at your own expense. Each appraiser states the vehicle's ACV and the necessary repairs. If they cannot agree on the amount of the loss, the parties then choose an umpire to make a final decision. The parties share the umpire's fee.

Appraisal is not available if your dispute is with another driver's insurer. In that case, it may be necessary to resolve the dispute in court.

Payment of medical claims and lost wages. If you need medical care because of an accident and believe that another driver's insurer should pay for, you should be aware that the insurer generally will not pay for ongoing medical expenses until a settlement agreement is reached.



This also applies to lost wages.

Contact the Bureau of Insurance. If you have a dispute about the terms of the claim settlement or there is a claim denial, the Bureau of Insurance may be able to assist you.

Although the Bureau can give general insurance information, and help when violations of insurance law have occurred, the Bureau cannot:

- **Force an insurer to satisfy you if no insurance laws have been violated.**
- **Act as your lawyer or give legal advice.**
- **Resolve a dispute when the only evidence is your word against the word of the company.**
- **Make medical judgments.**

The Bureau of Insurance, within the Department of Professional & Financial Regulation, regulates the insurance industry for solvency and consumer protection. It does so through its examining and licensing procedures of insurance companies, by licensing producers, by reviewing rates and coverage forms, conducting audits, and by sponsoring programs that enhance awareness of and compliance with State laws. The Bureau has statutory authority to enforce the State's laws and rules pertaining to insurance, and it initiates investigations and holds hearings concerning possible infractions of them.

Visit the Bureau's Website at:
www.maine.gov/insurance

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Automobile Insurance

Making the Claims Process Easier

Damage to Your Automobile



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Filing a claim with an insurance company (insurer) can sometimes be confusing under the best of circumstances. This brochure explains what you can expect when you need to file an automobile insurance claim. Understanding the claims process may help ensure that your claim can be handled in a timely fashion and that you will receive all the compensation due to you under the policy.

The Maine Bureau of Insurance offers these recommendations to make the process as smooth as possible:

Understand your policy. Read your policy before a loss occurs. Know what kind of losses it covers and how much it will pay. It's important to know your policy deductibles—those are the part of a claim that you are responsible for. If you have questions regarding your policy, talk to your insurance agent or insurer representative.

What to do after an accident. At the scene, stay calm, report the accident to the police, and exchange insurance information with the other driver. Report the accident to your insurance agent or insurer representative. Also notify the other driver's insurer if the accident seems to be the other party's fault. Insurers usually have claim hot lines that you can use. You should do this as soon as you are able after a loss has occurred. Generally, policies require you to give prompt notice of a loss. Maine law allows claimants to use any repair or glass shop they wish. Insurers also usually have repair networks

whose work they guarantee.

Provide complete and correct information.

Giving incorrect or incomplete information will delay the processing of your claim. Be sure to give the insurer all information relevant to the loss.

Document your claim contacts. Keep records of all your communications with any insurer, adjuster or other person involved with the claim. This includes e-mail and letters. Keep a log of your telephone calls and in-person contacts, including the date and time of the conversation, the name and title of the other person, and a summary of the discussion. Also keep a record of your time lost from work and other expenses resulting from the accident. Insurers must explain the basis for claim denials or settlements in writing. They must also pay agreed claims within 30 days.

Take steps to protect the vehicle. Protect your vehicle from further damage and limit your loss. You must also make the vehicle available for your insurer to inspect before you have it repaired. If you do not, the insurer might not cover some of the damage or it might deny the entire claim. If possible, take photos or videos of the damage before making any repairs.

Obtaining a rental. If your policy includes rental coverage, your insurer will pay a specified daily amount for the rental, to the extent of your coverage. Although some insurers pay directly, the law does not require them to do so. If another insurer accepts liability for the damage, that insurer must reimburse you for reasonable rental expenses.

Storage fees. If your vehicle cannot be driven safely because of an accident, and was towed

to a garage or storage facility, a daily storage fee might be charged. Generally, the insurer will pay reasonable storage fees or offer to move the vehicle to its own facility. You should pay attention to these fees because they can rise quickly, especially if there's a lengthy dispute over liability or the cost of repairs. In that case, the insurer might notify you that it will no longer pay for storage. You must either start paying the fees yourself or move the vehicle to a location where you will not incur storage fees. If there is a dispute over liability or the cost of repairs, you may be responsible for storage fees that accumulate while you resolve the dispute.

Evaluating a total loss. Maine law does not require a particular method to calculate a vehicle's value or to determine when it is considered a total loss. You are entitled to the actual cash value (ACV) of the vehicle. ACV is the cost to replace your vehicle with another vehicle of like kind and quality. Several factors affect ACV, including the vehicle's mileage, its condition, and prior damage, if any.

Several resources are available to assist claimants and insurers in establishing a vehicle's value. One is the National Automobile Dealers Association (NADA) Guide. Market value companies will compare sales of similar vehicles in your area for a fee. It's also possible to survey local auto dealers.