



**LOUISIANA
DEPARTMENT OF
INSURANCE**

Consumer's Guide to Auto Insurance After an Accident

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The best time to find out what your auto insurance policy covers is **BEFORE** you need it. Review your coverage and reach out to your agent if you have questions.

If you've been in an accident and file a claim, an adjuster will examine the damage to your vehicle and talk to 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?



When the owner of a motor vehicle is involved in an accident or submits an insurance claim, they have a right to select the repair facility of their choice. ([LA. R.S. 22:1892\(D\)\(1\)](#))

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

Even if your claims adjuster recommends a specific body shop, you can choose to have your car repaired at the body shop of your choice. ([LA. R.S. 22:1892\(D\)\(1\)](#))

Ask why the adjuster or insurer recommends a certain shop and if there are any benefits to working with their recommendation. To avoid any confusion, be sure to notify the claims adjuster which repair shop you want to use before any of the work is done.

How do I choose a repair shop?

Ask for recommendations from friends, family, and other people you trust. It's not a bad idea to 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 keep records 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 also 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?

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. ([LA. R.S. 51:2424](#))

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 with the following information (in 10-point 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.”

Car owners can request that their vehicles be repaired with OEM parts, but they 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 & 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.

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

The party responsible for payment depends on several factors. If a person who has comprehensive or collision damage coverage on his vehicle files a claim with their insurer, the insurance company will pay the cost of repairs and labor minus whatever deductible is applicable. If a person whose car was damaged by someone else files a claim against the party at fault, the party at fault’s insurer is responsible for paying the cost of repairs and labor.

Will I be able to get a rental car?

If your car was damaged as a result of another driver’s negligence and there is a delay caused by their insurance company, that insurance company should pay your rental car costs for a reasonable length of repair time. ([LA. R.S. 22:1892\(B\)\(4\)](#))

If you file 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. (Check your policy as most have a dollar limit for rental payments.) If your car is totaled, many companies will pay for a brief rental as a courtesy, but they are not required to do so.

What happens if my car is a total loss?

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% of its value, the insurance company shall choose to declare your car a total loss. ([LA. R.S. 32:702\(14\)](#))

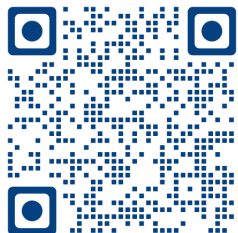
If your car is declared a total loss, your insurance company will pay either your car’s actual cash value or the value of your car as set by valuation authorities such as Kelly’s Blue Book. Once that amount is paid to you, your insurance company will ask for the title of your car as they own it at that point.



If you want to maintain ownership of the car, you may have the option to purchase your car back from the insurance company, depending on the car’s damaged condition. If you decide to keep the car, you will need to apply for a salvage title from the Louisiana Department of Public Safety, Office of Motor Vehicles.

Can I be penalized for filing a claim?

An at-fault accident filed with your insurance company will probably cause your rates to rise. ([LA. R.S. 22:1284](#)) However, your insurance company cannot raise your premium for a non-at-fault accident. If the damages are paid for by the person who caused the accident or his or her insurer, the accident should not be added to your claims history with your insurer.



NEED HELP?
CONTACT US...

If you have questions about a rate increase following a claim, contact LDI’s Office of Consumer Services at 225-342-1258.



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