

**the jones firm**

Personal Injury Attorneys

# OHIO CAR ACCIDENT QUICK GUIDE

By Geoff Jones

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I am going to skip the bs. I know you are busy, and you just want the information in this quick guide.

If you have been involved in a car accident, this guide will tell you how to:

- 1) **Document What Happened**
- 2) **Get Your Car Fixed**
- 3) **Settle Your Total Loss Claim**

**CLAIM**

**BONUS:** discover whether you may have a **DIMINISHED VALUE** claim.

### **DOCUMENT WHAT HAPPENED**

The single most important thing that you can do to help establish your claim is to *document what happened*. There are *five (5) key things* to do immediately after a car accident:

#### **1) Call 9-1-1**

You should report the crash to the Ohio State Highway Patrol or to your local sheriff's office or police department.

*Why is this important?*

The traffic crash report will be Exhibit A or Exhibit 1 in a lawsuit. It is the *first thing* that a jury will see. It is also the first thing that an insurance claims adjuster will examine. Law enforcement officers are key fact witnesses especially if there are no other witnesses. She is trained to investigate accidents and to issue a citation to the responsible party. For this reason, traffic crash reports are often key pieces of **evidence** and can go a long way to establishing **liability**.

If it is a busy day for law enforcement, they may not be able to come to the scene of the accident. Sometimes, the officer will request that the parties exchange information without filing a report. In those cases, if you are safe and not seriously injured, then you may skip to the next steps. If the accident occurred within the City of Columbus, you may file a report online:

<https://www.columbus.gov/police-fileaccident/>



## **2) Exchange Information**

If it is safe to do so, speak to the other driver to get their name, address, and phone number. Take a photo of the other driver's identification and insurance card.



## **3) Take Photos**

After the police report, photos are the next best thing. So go wild. Use your smart phone to take photos of the damage to your car, the damage to the other car(s), damage to any personal or public property, debris, and/or tire marks.



## **4) Locate Witnesses**

Someone who witnessed the accident may stop to see if you are OK. If there are people in the area, speak to them to find out if they witnessed the accident. Make sure to get the witness' name, address, and telephone number.

## 5) Report Your Claim

Once you have gathered the information, it is time to report your claim. You should report the claim to the other driver's insurance company *and* to your own insurance company. Be prepared to provide a copy of the police report, photos, and other documentation to the insurance company.

NOTE: *If you were hurt or seriously injured in the accident, then you should speak to an attorney immediately. Don't delay. Consult an attorney before speaking to the insurance company.*

NOTE: If your vehicle sustained heavy damage such as a shattered windshield, airbag deployment, leaking fluid(s), etc. then your vehicle is not safe to be driven home. You should have the vehicle towed to the body shop of your choice. The other driver's insurance company is responsible for reimbursement for your towing and storage expenses.

### **GET YOUR CAR FIXED**

Once you have completed the steps to document what happened, you should start thinking about getting a rental vehicle and getting your car repaired. You are entitled to reasonable **rental expenses** until your car has been returned to its pre-accident condition. If your vehicle is repairable, you may bring it to the body shop of *your choice*. If the insurance company wants you to take the vehicle to one of their "preferred" body shops, just say no. The insurance company does not have your best interests in mind. They have deals with preferred shops to get your car repaired as cheaply as possible. This often means that things are missed or corners are cut.

### **CHOOSING A BODY SHOP**

Choosing a body shop is the most important choice for your car repairs. If you choose a quality shop you can trust that the shop will use quality parts, return the car to its pre-accident condition, and work with the insurance company to pay for your repairs.

Consider these 3 factors when choosing a repair shop:

#### **1. Word of Mouth Reputation**

Ask your friends, family members, and colleagues for recommendations. A good place to start is Facebook. Request to join a Facebook group for your local area and ask for recommendations there.

*Do not take your car to a shop that advertises heavily on tv, radio, and billboards.*

These shops spend so much on advertising that they are forced to cut corners.

## **2. Look for Smaller, Independent Shops**

“Large body shops with a lot of front office workers probably have to charge higher rates to pay their staff.” (Edmunds, 2011) Look for smaller, independent shops with good word of mouth reputations and good reviews online.

## **3. Get Several Estimates**

It can't hurt to shop around. You may want to get more than one estimate. Especially if your first estimate was at a large, advertising body shop, preferred shop, or insurance field estimate.

If you choose a quality repair shop, the process should go smoothly.

### **AFTERMARKET PARTS**

OEM (Original Equipment Manufacturer) parts are favored for collision repairs because “aftermarket body panels may not fit properly or have proper crumple zones for crash safety.” (Montoya, 2009) OEM parts are SAFER and you should *demand these parts* for collision repairs to your vehicle.

The insurance company or repair shop *must tell you if they use Aftermarket parts.* (Rules, 1990)

*Insist on OEM parts for structural components like bumpers, and quarter panels.*

When it comes to “cosmetic” repairs, Aftermarket parts are fine. In fact, they may be better. “A number of companies make parts designed to function the same, or in some cases even better than the original.” (Montoya, 2009) Unfortunately, it is tough to know whether the Aftermarket parts are good or bad. When in doubt, ask for OEM parts.

Aftermarket parts are generally cheaper and may *decrease the value of your car*. This is something to consider.

If you choose a quality repair shop, you can trust that the body shop can make the right choices when choosing whether to use OEM or Aftermarket parts.

### **DEDUCTIBLES AND OTHER THINGS TO CONSIDER**

My advice is to *go through your own insurance company for repairs*. You may be responsible for a deductible, but your deductible will be reimbursed by the other driver's insurance company. You are less likely to need to fight your insurance company over approval of every part and repair.

**Document any out-of-pocket rental expenses, towing or storage costs.** The other driver's insurance company is responsible for your reasonable rental expenses and storage costs. Again, ask your insurance company to pay for these costs up front. They will be reimbursed by the other driver's insurance.



## **YOUR AUTO INSURANCE POLICY**

It will make your life much easier if you are able to file a claim with your own insurance company to pay for your repairs, rental expenses, towing and storage costs.

You should look at the **Declarations Page** of your policy to find out what coverages are available. Make sure that you have these coverages available:

1. Collision Coverage

Look closely at the amount of your **deductible**. A good rule of thumb for most people is a deductible of \$500. You will only be responsible for up to \$500 of your repair costs. This amount will be reimbursed by the other driver's insurance company.

2. Rental Reimbursement

Your policy should cover rental costs for 30 days. Pay attention to the per day amount and total amount allowed. If you have a sedan or small car, \$30 per day and \$900 total is standard.

3. Towing or Emergency Road Service

Get Emergency Road Service if your insurance company offers it. They will pay for jump starts, towing, etc. Make sure you have towing covered at a minimum.

## **DIMINISHED VALUE**

If your vehicle has *lost value after repairs* and a third party was responsible, then you are entitled to the **inherent diminished value** of the vehicle to be reimbursed by the other driver's insurance company.

Take these steps:

1. **Get an appraisal**

Do a google search for "inherent diminished value appraisal." The cost is between \$60 and \$300. Email me at [geoff@jonesfirmohio.com](mailto:geoff@jonesfirmohio.com) if you would like the name of the company that I use for appraisals.

2. **Submit the Appraisal**

Write a **demand letter** and submit a copy of the appraisal to the other driver's insurance company. Include a receipt for the cost of the appraisal to be reimbursed by the other driver's insurance company. Feel free to copy the sample demand letter I have included or email me at [geoff@jonesfirmohio.com](mailto:geoff@jonesfirmohio.com) for a word template.

# **SAMPLE DIMINISHED VALUE DEMAND LETTER**

[TODAY'S DATE}

## **TIME LIMIT DEMAND FOR AMOUNTS CERTAIN**

[Insurance Company Name]  
[Insurance Company Address]

RE:    Vehicle Owner:                      [Your Name]  
       Your Claim No:                      [Insurance Claim Number]  
       Date of Incident:                      [Date of Accident]

Dear Sir or Madam:

I write in the hope that we can resolve my inherent diminished value claim short of litigation.

### **DAMAGES AND CAUSATION**

As a direct and proximate cause of your insured's negligence, I have incurred physical damage to my vehicle in the amount of \$[amount of repairs].

Enclosed is an inherent diminished value appraisal prepared by [Name of Appraiser], a Diminished Value Expert.

### **TIME LIMIT DEMAND FOR INHERENT DIMINISHED VALUE (15 Days)**

I am demanding \$ [diminished value] within **15 days** of receipt of this demand to satisfy my inherent diminished value claim. I am also demanding reimbursement of the appraisal fee of \$ **[cost of appraisal]** for the additional indirect tort loss for a total demand of \$ **[diminished value + appraisal fee]**.

Please issue payment to "[your name]" Please mail payment directly to my home address, located at:

**[Your Name]**  
**[Your Address]**

Respectfully Yours,

[Your Signature]

[Your Name]  
[Your Email]  
[Your Phone Number]

# **SAMPLE ONLY**

## ABOUT THE AUTHOR

Attorney Geoff Jones lost his mother to injuries sustained in a car accident caused by a drunk driver in 2008 when he was just twenty years old. Geoff graduated from The Ohio State University, Moritz School of Law in 2012. He is licensed in the State of Ohio and has been practicing law since 2013. Prior to founding The Jones Firm, Geoff worked for The Law Offices of Kevin Kurgis. His passion is to represent those who have been killed or injured in drunk driving accidents. He represents individuals who have sustained serious injuries in motor vehicle accidents. He also represents people who have been seriously injured at work. He lives in the Clintonville/Beechwold neighborhood of Columbus, Ohio with his wife and two black labs.



Geoff and his wife, Kim during a Buckeyes win in 2019.



Geoff's black labs, Daisy and Rose.



## ABOUT THE FIRM

If you have been injured in a car accident in Ohio in the last 2 years and it was not your fault, contact our office for a [FREE consultation](#). Ask about our [NO FEE GUARANTEE](#).



## No Fee Guarantee

We don't get paid unless you get paid. No up-front costs. FREE consultations.

**BONUS: We will handle your property damage for FREE.**



**Call NOW For a FREE CONSULTATION**

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