



BROWNE & MURPHY

SOLICITORS

YOUR GUIDE TO
VEHICLE DAMAGE
CLAIMS*

ACCIDENTS HAPPEN!

Unfortunately, road traffic collisions are all too common with over 30,000 accidents occurring on Irish roads each year. When an accident happens it can be a stressful experience and if you have to deal with a vehicle damage insurance claim it is important that you are familiar with how the process works and what you are entitled to recover.

WHY US?

We are a specialist legal practice with particular expertise and experience in vehicle damage claims. We adopt a no-nonsense and pragmatic approach to dealing with claims with the sole aim of achieving the best result possible for you, quickly and effectively.

WHAT WE DO

Our vehicle damage claims service is aimed at taking the stress and hassle out of dealing with the aftermath of a road traffic accident. We deal directly with third party insurers on your behalf with a view to ensuring that you receive appropriate and fair compensation for your loss with the minimum of disruption and cost to you.

As part of our service we can arrange:

- Vehicle recovery and storage
- Immediate replacement hire car
- Our motor assessor to examine your vehicle
- Vehicle damage repairs
- Salvage and disposal of 'written off' vehicles

HOW IT WORKS

The first step in the process is to arrange to speak to one of our solicitors who will be in a position to immediately assess your claim and advise you on liability and the best course of action relevant to your individual circumstances.

Upon receipt of your instructions we:

- Notify the other party and his/her insurers of our interest putting them formally on notice of your claim
- Arrange to have your vehicle examined by one of our motor assessors for the purposes of assessing the damage and better valuing your claim
- Arrange car hire for you, if required, and liaise with the repairer of your vehicle
- Set out the full extent of your loss and look to settle the claim with the other insurer quickly and on the best possible terms without any cost to you

***Note:** In contentious business a solicitor may not calculate fees or other charges as a percentage or proportion of any award of settlement. The recovery of vehicle hire costs and ancillary costs, such as motor assessor and other expert fees, is limited to the sum recoverable by you at law from the negligent third party. If your claim is unsuccessful you may be liable for the other party's legal costs

WHAT IS A MATERIAL DAMAGE CLAIM?

Material damage is essentially vehicle damage and in the context of a road traffic accident involves a claim seeking to recover the cost of vehicle damage repairs or vehicle replacement (if the vehicle is beyond repair) and other consequential losses such as car hire, depreciation, towing and storage charges, assessor's fees, and the cost of repairing or replacing other personal property damaged in the accident.

COMPENSATION - SO WHAT ARE YOU ENTITLED TO RECOVER?

In terms of what can be claimed, if you are not at fault for the accident you should be able to recover the following from the third party:

- **Cost of repairs:** once repair costs have been agreed with our motor assessor and your repairer we will look to ensure you receive the full cost of repairs
- **Car hire:** if you have not had the benefit of your vehicle following the accident we will look to recover the cost of reasonable car hire or a sum for loss of use
- **Depreciation:** it may be possible to recover a sum for depreciation depending on the age of your vehicle
- **Pre-accident value:** if the cost of repairing your vehicle is such that it makes it uneconomical to repair when compared to the pre-accident value placed on your car, then it may be considered a 'write off' for insurance purposes. We look to ensure you receive appropriate compensation if your car is written off.
- **Towing and storage:** if it was necessary to have your vehicle towed to a garage or stored for a period of time, we look to recover the reasonable costs involved
- **Property damage:** if personal property in the vehicle is damaged due to the accident, such as a child car seat for example, we look to ensure you are adequately compensated for the relevant loss

Tip: It is always good practice to engage an independent motor assessor to examine your vehicle and provide a report on the damage, particularly if there is going to be any issue over the extent of the damage or value of your car. In addition, the report may be required as evidence if matters cannot be resolved and court proceedings are issued.

MITIGATING YOUR LOSS – WHAT IS INVOLVED?

Following an accident and notwithstanding that you may be the innocent victim, you have a duty to try and minimize and prevent further losses occurring. This is described as mitigating your loss. In other words, you cannot sit back and do nothing and allow further loss and damage to occur which could have been avoided and which is within your control. For example, it is necessary within a reasonable period to dispose of a 'written off' vehicle and reduce any further storage or car hire costs. Similarly, efforts should be made to have repairs carried out as soon as possible to reduce any further expense.

WHAT DOES 'WRITE OFF' MEAN?

In some cases, the cost of repairs is such that it makes the vehicle uneconomical to repair taking into the account the pre-accident value. The vehicle is 'written off' for insurance purposes although this does not necessarily mean the vehicle must be scrapped. It will depend on the recommendation of the motor assessor as to whether the damage is such that the vehicle should not be put back on the road. If your vehicle is considered a 'write off' the loss is measured by deducting the pre-accident value from the post-accident value (salvage value).

UNINSURED DRIVERS – IS IT STILL POSSIBLE TO MAKE A CLAIM?

If the other driver or vehicle was uninsured at the time then it is still possible to make a claim. It may however be necessary to notify the Motor Insurers' Bureau of Ireland (MIBI). The MIBI compensates victims of road traffic accidents caused by uninsured or unidentified drivers and also provides a mechanism for seeking compensation when an accident is caused by a foreign registered vehicle.

However, if your own vehicle is covered by a comprehensive policy of insurance you will need to rely on your own policy. In the absence of comprehensive insurance it may be possible to make a claim under the MIBI scheme subject to certain pre-conditions and exclusions.

Note: A No Claims Discount Protocol exists between the MIBI and motor insurers guaranteeing the protection of your No Claims Bonus if a claim is made under your own comprehensive policy for damage caused to your vehicle by the negligent driving of an uninsured or untraced driver.

HOW DOES THE MIBI SCHEME WORK?

The first step in the process is to lodge a MIBI claim notification form as soon as possible. The MIBI will then investigate the matter and ascertain the insurance position of the alleged offending driver. If the matter comes within the remit of the MIBI it will nominate an Irish insurance provider to deal with the claim. On the successful conclusion of the matter the claimant will receive a payment in compensation from the MIBI.

HOW LONG WILL IT ALL TAKE?

In material damage claims, the process takes no more than 2 to 3 weeks in the majority of cases from initial instructions to settling your claim. If liability is disputed and it is necessary to issue court proceedings it may take longer to resolve matters. At all times you will be kept up to date on progress. We look to complete matters quickly and effectively and on the best possible terms.

ACCIDENT DOS AND DON'TS

If you are unfortunate enough to be involved in a road traffic accident there are certain immediate steps that should be taken:

- At the accident scene, ensure that your vehicle is not a danger to you or others
- If your vehicle is causing an obstruction or poses a danger, you should take a photograph of the point of impact and then move your vehicle to a safer location
- Check to see if everyone is okay and if there are serious injuries contact the emergency services immediately
- Contact the Gardaí and ask them to attend the scene
- Exchange owner details (name and address), vehicle registration numbers and insurance details
- If there are any witnesses, take full details to include home address and telephone number if possible

- Take a photograph of the accident scene, the damage, road conditions, any road signs, and position of the vehicles
- If at all possible, draw a sketch of the accident and the position of the vehicles at the point of contact
- Note the street name or location, date and time
- Do not discuss the accident at the scene or admit liability for the accident
- If the Gardaí interview you at the scene, explain the accident circumstances and furnish your personal and insurance details
- If the Gardaí do not attend the scene you should nevertheless report the accident to the Gardaí as soon as possible
- Always notify your own insurer of the accident as soon as practicable
- Seek legal advice as soon as possible

Tip: keep a pen and note pad handy in the glove compartment of your car, and if possible, a disposable camera which can be used to take photos of the accident scene. Alternatively, take pictures of the scene, road conditions, road signs and markings using a camera phone.

If you require further information about vehicle damage claims, please contact:



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