

QUESTION: I am having a problem with the insurance company. Can the Department of Insurance help me?

ANSWER: Generally, the Department of Insurance can assist you. We can describe the scope of our authority to you. You may also want to consider the assistance of the state attorney general's office.

QUESTION: Can the insurance company and the repair facility make an adjustment and start repair on the automobile without the consent of the owner?

ANSWER: Generally, no. You should be presented an estimate to know what is being repaired on your vehicle before repairs are made, unless your policy states otherwise.

A Final Thought...

Please consult with the Office of Motor Vehicles with regard to safety requirements for your vehicle. Contact the Department of Insurance to determine your rights as a vehicle owner in the selection of a particular repair facility.

The owners of some repair shops – including those belonging to the Automotive Service Association – have pledged to follow a rigid code of ethics. This code is designed to protect you and your property. To find your nearest Automotive Service Association member shop, visit www.asashop.org.

We hope this information is helpful to you. It has been prepared as a public service by the Automotive Service Association (ASA) and its affiliated shops worldwide.



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Readers are cautioned that this document is provided only as a practical guide. You should consult your attorney for specific legal advice and options.

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Consumer Bill of Rights for Motorists State of Louisiana



Automotive Service
Association

Louisiana Department of Insurance

The following information is designed to aid you in the repair of your damaged vehicle. The material in this pamphlet is intended to be general in nature. Before obtaining repairs, you may contact your attorney to ensure that the information in this brochure complies with current Louisiana laws and regulations. This material was prepared by the Automotive Service Association (ASA).

QUESTION: Must I obtain three estimates?

ANSWER: *There is no legal requirement as to the number of estimates obtained, however, insurance companies are within their legal right to request a specified number. As the vehicle owner, you may obtain as many or as few estimates as you like.*

QUESTION: I was told I must take my car to a specific repair facility. Must I do this?

ANSWER: *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.*

QUESTION: What is the best procedure for me to get quality repairs and quickly get my vehicle back on the road?

ANSWER: *Take your vehicle to a reputable collision repair shop – one you trust or which has been recommended by a trusted source. Check for association membership (such as membership in the Automotive Service Association), and inquire about education certifications and examples of previous repairs. During the initial stages, be sure to provide the collision repair facility with any*

appropriate documentation relating to the accident, including police reports and insurance policies.

QUESTION: I do not believe that I was at fault in the auto accident. Should I use my own collision policy or try to collect from the other party?

ANSWER: *If you are having difficulty in getting the other party's insurance company to assume liability, you may submit a claim to your company. Your insurance provider can subrogate to the other company on your behalf if they feel there is opportunity. They may be able to recover your deductible and rental car costs to you.*

QUESTION: No one from the party at fault has made any effort to initiate the repairs of my automobile. What can I do?

ANSWER: *As the owner of the automobile, only you have the legal right to make arrangements for its repair, not the insurance company. To expedite repairs, you may submit a claim to your insurance company and then subrogate to the other company.*

QUESTION: Who is responsible to the repair shop for my repair bill – the insurance company or me?

ANSWER: *You are. 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. Remember, you are the customer and the insured. Generally, the repair shop owner looks to you for payment, and you look to the insurance company for payment.*

QUESTION: Who is responsible for the safety, workmanship and guarantee of my automobile repairs – the insurance company or the repair shop?

ANSWER: *Generally, the repair shop is responsible. In some cases the insurance company may help you if there is a concern about workmanship.*

QUESTION: If I go to a drive-in claims service, do I have to take the car to its preferred shop?

ANSWER: *No. However, if you decide to take your car to your insurer's preferred shop, ask your insurance company to implement its "elects to repair" clause (check your insurance policy). This may cause the insurance company to be responsible for, among other things, the quality of repairs.*