



A QUICK GUIDE TO PROPERTY DAMAGE

GETTING YOU BACK ON THE ROAD AFTER AN ACCIDENT

BY JOHN D. HENSLEY

A Note from John



After a car accident, we know your priority is getting back on the road again. We live in a society that's constantly on the move: we commute to work, drop the kids off at soccer practice, pick up groceries, stop by to visit old friends, and make it right on time for the big meeting. It's hard to focus on anything else if your vehicle is damaged and you don't even know how you're going to get to work tomorrow.

Hensley Legal Group helps people who have suffered injuries, but we also want to help you if your car has taken most of the damage. This quick guide will help you navigate the realm of property damage and get what you need out of insurance companies. Even if you've been injured, you can settle your property damage fast and still keep your personal injury claim open until you get the compensation you deserve.

We hope to see you back on the road again soon.

Disclaimer

Hensley Legal Group knows that every case is unique. This guide should not replace professional legal advice. Please consult with an attorney if you have any questions about your case.

Should I Hire an Attorney for My Property Damage?

NO.

Not the answer you expect to hear from a law firm, is it?

It's true. When it comes to property damage, there's really no use in hiring a lawyer. Property damage law is clear-cut:

IF YOUR CAR IS TOTALED, YOU WILL RECEIVE THE VALUE OF YOUR CAR RIGHT BEFORE THE ACCIDENT.

IF YOUR CAR IS FIXABLE, INSURANCE WILL PAY TO FIX IT (WITH VERY FEW EXCEPTIONS).

There really isn't any way an attorney could fight for you to receive more money when it comes to property damage. If for some reason you hired an attorney, you'd get the same amount of money as you would if you didn't — except now you'll have to pay an attorney's fee! We would never want to put you in that situation. That's why we made this guide: to help you get through the process on your own.

Should I Hire an Attorney If I'm Injured in an Accident?

YES.

[\(But that's a different story.\)](#)

Immediate Action Plan

You've been in an accident! Here are the first things you should do:

STAY SAFE

You've just been hit. Take a moment to assess the situation. Are you injured? Can you move? If you've been seriously injured, it's best to stay where you are and wait for help.

Let's say you're hardly even bruised. Don't leave the scene of the accident — that's a crime. Make sure to put on your hazard lights and slowly move off of the road. The other driver in the accident should follow you. The last thing you want to do is stay in the middle of the road or an intersection in case someone else doesn't see you and hits you again. In fact, in Indiana, you're [required by law](#) to move your car out of the road if your car is operational and your injuries don't prevent you from doing so. If your car is too damaged to move, get out of your car and move to a safe location.

CALL THE POLICE

If you and the other driver are uninjured and both cars are still operational, it might be tempting to just cut your losses and go home. Don't. Always call the police. The damage to your vehicle (and the damage you've personally sustained) may be more than meets the eye. Even if you don't want to, you might have to go through the insurance company to fix your car or treat your injuries. It's important to have the police on the scene so they can file a report and determine who is legally and financially responsible for the accident and the damages sustained.

GATHER INFORMATION

While you're waiting for the police to arrive, be sure to get the other driver's name and insurance information and to give them yours. If there were any witnesses around, take a moment to talk to them and record what they saw and their contact information. Take pictures of your car, the other driver's car, your injuries, and anything that may have contributed to the accident (a telephone pole, a stop sign hidden by leaves, etc.). These pictures will come in handy later in case the other driver or the insurance company tries to dispute the extent of your damages.

DO NOT ADMIT FAULT

Do not admit fault at the scene. Even if you believe the accident was partially or entirely your fault, you may be wrong. The other driver could have been speeding, making an illegal turn, or on his phone at the time of the crash. It will take a police report and an investigation to determine for certain who was responsible.

Your Insurance Options

Who's going to pay for your car? Well, you have a few options:

YOUR COLLISION COVERAGE

- Covers your car in a crash with another car or stationary object (tree, telephone pole, etc.)
- Requires you to pay deductible before insurance covers the rest
- Likely your only option for full coverage if you're 100 percent at fault for the car accident

YOUR COMPREHENSIVE COVERAGE

- Covers your car when damage occurs outside of a crash (hail, theft, fire, natural disasters, etc.)
- Requires you to pay deductible before insurance covers the rest
- Likely not an option if you're at fault for the car accident

OTHER DRIVER'S INSURANCE

- Only pays up to the policy, so if the driver is underinsured, there may not be enough coverage for your damages
- Does not require you to pay a deductible
- May have your recovery reduced by your percentage of fault (e.g., 20 percent less in payments if you're 20 percent at fault)

YOUR GAP INSURANCE

- Covers you for the difference between the amount you owe on your car loan and the actual cash value of the car
- Does not require you to pay a deductible
- Covers you regardless of fault; one example of additional coverage you may purchase when buying a car (like rental car coverage)

Frequently Asked Questions

QUESTIONS ABOUT FAULT

“Where can I get my police report?”

The officer who responds to the crash can provide information on how you can obtain a copy of the police report. Local authorities can submit crash reports to the Indiana State Police, which maintains an [online database](#) from which visitors can request the report. Indiana crash reports are also available through [BuyCrash.com](#); Indiana is among the 14 states offering crash reports through this site.

“What happens if I’m entirely at fault?”

Your collision coverage will cover you even if you’re entirely at fault. You will have to pay your deductible, however, before your insurance company takes care of the rest. If your car is totaled, your coverage will pay the value of your car before the accident. If your car is fixable, your coverage will pay for your car to be fixed.

“What if I’m just partially at fault?”

If you’re partially at fault, you can still go through your collision coverage. However, if you have a large deductible, it may be smarter to pursue the other driver’s insurance for compensation. They will likely not cover you for the full amount of your damages since you were partially at fault (deducting 20% if you’re 20% at fault, for example), but if that deduction is not as large as your deductible, it may be wiser to go that route instead of going through your own insurance.

“What if I disagree with the police report? They said I’m at fault!”

It’s not impossible, but it’s a long shot to get the police report changed. And remember, even if you’re at fault, you will still be covered through your own collision coverage.

QUESTIONS ABOUT INSURANCE

“How long will this take?”

It depends. Since there really isn’t any negotiating involved, it’s usually a pretty quick process. You have to wait for the police to release the police report, and then you have to wait for the insurance company to conduct their investigation to determine how much they owe you. Usually, the entire process only takes about two weeks.

“What if I think the insurance company is devaluing my car?”

Normally, insurance companies arrive at their values by going by the industry standards. You can check resources like [National Appraisal Guides](#) to make sure you’re getting a fair value of your vehicle.

“Isn’t my car more valuable if I just got work done on it?”

Unfortunately, things like new tires don’t necessarily increase the value of your car. You can always bring it up to the insurance adjuster, but don’t expect them to budge their numbers by very much.

Helpful Tips

LOOK ONLINE FOR CARS SIMILAR TO YOURS

If you disagree with the insurance adjuster on the value of your vehicle, look online for vehicles similar to your own in terms of age, make, and model. These are asking prices, not actual selling prices, so take them with a grain of salt. Also, be sure to look up your vehicle in [National Appraisal Guides](#), [Kelley Blue Book](#), or [Edmunds](#) for standard pricing.

SETTLE THE PROPERTY DAMAGE, NOT YOUR INJURIES

It's okay to work with the insurance company on settling your property damage, but be sure that you only sign off on a settlement for your property, not your injuries. You can work with your insurance for property damage compensation and still choose to hold off and talk to a lawyer about your injuries. Property damage settlements only take a couple of weeks, but a personal injury settlement can take months or years. They won't be settled at the same time if you want fair compensation, so make sure the insurance company doesn't try to get you to settle both simultaneously.

START LOOKING FOR A CAR IMMEDIATELY

If your insurance is paying for a rental car, they will likely stop paying once you reach a settlement agreement for your property damage. Make sure to start looking for a car immediately following the accident so you can get back on the road and stay on the road.

Need an Attorney?

After you've taken care of your property damage, you may feel some aches and pains you hadn't noticed before. It can take a while for injuries to show up after a car accident, so it's not uncommon for a person to handle their property damage on their own and then hire a car accident attorney to handle their personal injury claim.

Maybe you already know you're injured and you're trying to juggle a property damage claim and a personal injury claim at the same time. You shouldn't have to deal with the insurance company while you're trying to schedule and attend doctor's appointments, repair or replace your car, and figure out how you're going to pay your medical bills. Let Hensley Legal Group handle your personal injury claim while you focus on what's important: your health. If you'd like, our attorneys will be happy to guide you through your property damage claim while we're handling your personal injury claim.

Call 317-900-4308 or [contact us online](#) for a free conversation about your case. Hensley Legal Group has the strength to make a difference in your personal injury claim.

Meet John Hensley

Since 1998, attorneys at my firm and I have been representing the kind people of Indiana. It has been my great pleasure to serve the residents of Indianapolis.

If you've been injured or if a member of your family has died as the result of someone else's negligence, my lawyers and I will be here for you. We represent people who have suffered all types of accidental injuries. In addition, we also represent people who want to receive their Social Security disability benefits and people who have suffered as the result of a doctor's mistakes.

I've enjoyed the many people I've met along the way and all the families I have been able to help. If you ever need me, I promise I will do everything I can to help you.



JOHN D. HENSLEY, ATTORNEY AT LAW

John D. Hensley was born and raised in central Indiana. He has always possessed an overwhelming desire to protect the rights of his fellow Hoosiers.

This is why he has devoted his law practice to helping people who have been injured. John opened his law office in 1998 in downtown Indianapolis. Every day, he works to achieve the best possible results for his clients. John brings his experience and compassion to his law practice and represents his clients with great determination and success.



CREDENTIALS

In 1994, John earned a bachelor of science degree at Ball State University in Muncie. In 1997, he earned his Juris Doctor degree at Valparaiso University School of Law.

John is admitted to practice law in all Indiana state courts, the U.S. District Court for the Southern and Northern Districts of Indiana, and all Florida state courts.

John is a proud member of the Indiana Trial Attorneys Association and the American Association for Justice, formerly the Association of Trial Lawyers of America (ATLA).

HENSLEY LEGAL GROUP'S PRACTICE AREAS

At Hensley Legal Group, John and his team of Indiana injury attorneys represent people who have been injured as a result of:

- [Vehicle accidents](#)
- [Dangerous products](#)
- [Medical malpractice](#)
- [Nursing home abuse](#)
- [Workplace accidents](#)
- [Slip and fall accidents](#)

Hensley Legal Group also helps people apply for [Social Security disability benefits](#).

Client Testimonials

“Hiring Hensley Legal Group ...was an amazing experience all around.”

“Hiring Hensley Legal Group is the best experience I could have imagined working with a lawyer. I had never had a lawyer before this case with John. It was an amazing experience all around. I can’t say enough good things about them. I even sent them a thank-you note. I wish I could do something else to thank them. I was totally impressed with the firm’s efficiency and speed when working on my case. Someone came to the house and gathered information. This might have been because we were short on time. I enjoyed how easy it was to work with everyone. Their communication was really good. I can’t think of anything that could have made my experience better. I will certainly refer friends to Hensley Legal Group.”

— Amy Wightman
Fishers, Indiana

“Everything they said they would do, they did. I’ve sent about 15 people to them.”

“Hensley Legal Group has done work for my brother, daughter, son, and friends. Everybody I know, I’ve sent there. Everyone I’ve sent there is happy with their work. In John Hensley’s office, they always return my call on the same day, every time, and their facts and advice were reliable. Everything they said would happen, happened. And everything they said they would do, they did. I’ve sent about 15 people to them.”

— Dave Cook
Plainfield, Indiana

“Everyone in the office answered my questions and asked if they could do more to help.”

“I am very pleased with the outcome of my case. I’m definitely better off for hiring a lawyer — and I’m glad I chose Hensley Legal Group. Everything they did was professional. Everyone in the office answered my questions and asked if they could do more to help. They were very prompt with their responses, whether on the phone, by email, or by letter. I worked specifically with Sarah. It was definitely a pleasure to have her on my side. I will refer my friends to John Hensley’s law firm.”

— Greg Nichols
Indianapolis, Indiana

“John’s law firm worked hard to get what I received. I have already referred two friends.”

“I’m so glad I went to Hensley Legal Group. I was very pleased with how they handled my case. They worked hard to get what I received. I have nothing bad to say at all. My communication with Kathleen and John was the best. I have already referred two friends.”

— Patty Taylor
Indianapolis, Indiana

WANT TO SEE MORE? Check out more [testimonials](#) and our [Google reviews](#) online.

Note: The clients named above gave Hensley Legal Group permission to use their names and comments as part of our ongoing education and marketing effort. We hope your experience with our firm will be as favorable as theirs were.



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