

They Fixed My Car, But It's Worth Less Than Before the Accident. What Can I Do?

Article

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You love your car. You are pondering the depth of that love as you sit in your luxury convertible, top down, basking in the warm morning sun as you sip your iced latte and rev the perfectly tuned engine while stopped at a red light. Just as you hear your favorite Eagles song, "Hotel California," start to play on your custom sound system, you are jarred from your blissful state by a violent collision. After the initial shock, you realize your car has been struck from behind by a millennial in an electric car who was texting in his chai tea order.

Fortunately, the millennial is an internet mogul and has excellent insurance with a top rated insurance company. His insurance adjuster could not be nicer in arranging the repairs, which are completed quickly and smoothly by a reputable and highly capable repair shop. Nevertheless, after the repairs are finished, the car just doesn't seem the same to you. For that reason, you decide to explore selling the car you once loved, but no longer cherish.

The next shock is almost as painful as the first. You quickly realize that, despite the repairs, the fair market value of your vehicle is significantly less than its fair market value prior to the accident. Even though the car was properly repaired, every potential purchaser either knows or quickly discovers that the car has been in an accident and therefore, regardless of the quality of the repair, will not pay top dollar. The value of the vehicle has been diminished. The extent of the diminution in value depends on many factors, including the value of the vehicle in its preaccident condition; the amount of damage relative to the value; whether any frame damage occurred; the year, make and model of the vehicle, and the quality of the repair.

The good news is that, under Florida law, under such circumstances, you do have a claim for it and can recover the diminished value of the vehicle from the at-fault driver's insurance company. As long as you were not at fault and the diminished value was caused by the collision, you can recover the difference in value between your wrecked and repaired

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vehicle, and the same vehicle which was never involved in a collision. Such a claim will almost always require the opinion of an expert with regard to the amount of the diminished value and will depend on many factors.