



**HOW TO GET PAID AFTER AN ACCIDENT:
THE PROPERTY DAMAGE DEMAND TOOLKIT**
by Shaana A. Rahman

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How to Get Paid for Your Damaged Bicycle After an Accident

By Shaana A. Rahman

As bike lawyers, we often get calls from cyclists who have been hit by a car and who, thankfully, were not physically injured, but have been left with a damaged or destroyed bike and other damaged property. If a bicyclist has been injured, we handle all damaged property claims as a routine part of handling a case. But for those cyclists who only need to get their bike paid for, we have given countless hours of free advice on the how to go through the process without a lawyer simply because it's not something you need a lawyer to do. The whole process is pretty simple but can be slow and frustrating. Here are some easy tips to follow to make it easy.

1. Get the Police Report

If you were lucky enough to have the cops come to the scene of the collision, and they took the time to write a report, order a copy as soon as possible. Most police departments let you do this online using the report number given to you at the scene. Some departments are still old school and make you mail in a request with an actual check. The police report has information you will need, like the driver's name, insurance company and insurance policy number. It will also include a section on which party the police officer thought was at fault. Now, the police officer's opinion cannot be used as evidence in court, but it's one of the things insurance companies look at to determine if they are going to pay a claim.

If the police did not come to the scene, or didn't write a report and you had our handy collision kit on you <http://www.rahmanlawssf.com/know-your-rights> you exchanged information with the other driver and got witness information and have what you need to take the next steps.

2. Understand What You are Entitled to Under the Law

In California, if your property was damaged as a result of the negligence of the other driver, you can be compensated for the reasonable cost of repairing your property or the fair market value of the item before it was damaged. "Fair market value" means the highest price someone would have paid for it. Despite the lack of a Kelly Bluebook for bikes, there are some easy ways to prove what your bike was worth before the accident. If your bike is relatively new, you can use screenshots from the local bike shop with the current cost; if you have an older bike you can check Craigslist to see if you can find something comparable. There are also several sites that can provide bike comps like www.bicyclebluebook.com. Many good local bike shops can also put together a replacement estimate, especially if you have a custom bike.

You are also entitled to the "loss of use" of your bicycle for the time between when it was wrecked and when it was repaired or replaced. You can use the rental costs of comparable bikes in your area. Some examples are cityridebikerentals.com (Bay Area); foothillcyclery.com (Central Coast) or, for scooter or motorcycle riders in the Bay Area dubbelju.com.

3. Documenting Your Damages

As soon as possible, make a list of all of your damaged or destroyed property. In addition to your bike, this includes your bike, helmet, after-market specialty parts, glasses, phone, clothing or anything else that was damaged or destroyed.

After making your list, you will need to take pictures of each item. Take multiple pictures of each, from different angles to get the best pictures of the damage.

DO NOT THROW ANYTHING AWAY OR GET ANYTHING REPAIRED.

This is your evidence and when making a claim, you may need the damaged items so that the insurance company can take a look at them.

Once you have your pictures, start gathering receipts for the items (if you still have them) or credit card statements or get information on the cost to repair each item. For your bike, take it to a reputable bike shop for a repair estimate. Do this, even if your carbon fiber frame is cracked and you know it can't be repaired because the repair estimate will show that the cost of repair exceeds the replacement cost of the bike and you can use this as evidence.

4. Open a Claim with the Insurance Company

Once you have all your documentation ready, you can call the other driver's insurance company and open a claim. If the driver already reported the accident, then a claim will be open but you will need to give the insurance company some information about what happened and what you are claiming. Insurance companies love to record statements. Don't do it. There's no benefit to you. Instead, decline to be recorded, but provide a concise, verbal account of what occurred. You also are not required to give the insurance company personal information like your date of birth or social security number. They use this information to do a search on proprietary insurance databases about you and any other insurance claims you've ever made.

When you make the claim, make sure to get the claim number assigned and the contact information for the adjuster that will be handling your claim.

5. Write Your Demand for Payment

After you open the claim with the other insurance company, they will either a) delay, delay, delay or b) call you immediately with some sort of insulting offer (along the lines of enough to buy your new Huffy at Walmart.) Either way, it's best to take the initiative and put together a letter documenting your claim. The letter should include the police report (if there is one) or a couple of sentences on how the collision happened and why the other driver is at fault; an itemization of all damaged items, along with the repair or replacement costs for each item and documents like receipts, repair estimates or replacement costs for each item, along with your claim for the loss of use for your bike. Make your letter short, tidy (identify documents in the letter and attach them to the letter in order), and to the point. A sample of a bike property damage letter is attached.

[Download a free, editable example of a bike property damage letter HERE.](#)

6. Negotiate with the Insurance Adjuster

Depending on your personality or what kind of day you just had, this might be your favorite or least favorite part of the process. When talking to the insurance adjuster, keep in mind that his or her job is to pay the least amount of money possible. Adjusters say and do things that are, in other professions, completely unethical. That being said, have a bottom line in mind, and be firm. If you've taken the time to do all the steps above, you have the law on your side and are entitled to the compensation you are asking for. If negotiating on the phone is not your jam, it is perfectly fine to put your response in writing. When you finally reach a resolution, the insurance company will send you a check. Some companies require you to sign a settlement agreement first. If you do, make sure you read it carefully. If the insurance company is just flat out unreasonable, and your damage is under \$7,500.00 you can file a "Small Claims" lawsuit either where the accident happened or in the county in which the other driver lives.

If you have any problems through your claim journey, the folks at Rahman Law PC are always here to give you some free guidance.



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