



DIMINISHED VALUE CLAIMS: **PENNSYLVANIA**

SUMMARY Pennsylvania Claims

Statute of Limitations: 2 years

Third Party Diminished Value Claim: Yes

First Party Diminished Value Claim: No, most insurance policies will exclude diminished value

**Pennsylvania Property Damage
Minimum Limits:** \$5,000 in coverage

**Uninsured Motorist Coverage for
Diminished Value:** No coverage

**Underinsured Motorist Coverage for
Diminished Value:** No coverage

Pennsylvania Small Claims Court Limit: \$12,000, attorney representation and appeals are permitted

If you were in an auto accident caused by another person in the state of Pennsylvania, you have a right to file a diminished value claim. Even with the best repair work, it's simply not worth the same amount that it was before. Fortunately, you can recover this lost value through a diminished value claim if you weren't at-fault.

PENNSYLVANIA DIMINISHED VALUE LAW

Pennsylvania is a state that allows drivers to file a diminished value claim if the accident wasn't their fault. The statute of limitations for diminished value claims in Pennsylvania is two years from the date of loss. Diminished value claims are filed with the at-fault driver's insurance company.

Holt v. Pariser Superior Court of Pennsylvania Jul 17, 1947 Full title 161 Pa. Super. 315 (Pa. Super. Ct. 1947) Copy Citation 161 Pa. Super. 315-54 A.2d 89

The correct measure of damages is laid down in the Restatement, Torts, section 928:

"Where a person is entitled to a judgment for harm to chattels not amounting to a total destruction in value, the damages include compensation for (a) the difference between the value of the chattel before the harm and the value after the harm or, at the plaintiff's election, the reasonable cost of repair or restoration where feasible, with due allowance for any difference between the original value and the value after repairs, and (b) the loss of use.

HOW TO FILE A DIMINISHED VALUE CLAIM IN PENNSYLVANIA

Step 1. Obtain proof of your car's diminished value. An independent, unbiased appraisal will provide the documentation necessary to determine the diminished value of a vehicle.

Step 2. Submit your documentation (diminished value appraisal) and demand letter for review. The ideal time is right after you get your vehicle repaired. The sooner you file your diminished value claim, the better. Typically, if the accident wasn't your fault, you would file a diminished value claim with the at-fault driver's insurance company.

It's covered under their property damage liability.

Step 3. Settle your claim.

The role of the claims adjuster is to negotiate the lowest possible settlement for the insurance company. They will either accept your claim, offer a lower settlement, or deny the claim.