



DIMINISHED VALUE CLAIMS: **SOUTH DAKOTA**

SUMMARY South Dakota Claims

Statute of Limitations: 6 years

Third Party Diminished Value Claim: Yes

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

**South Dakota Property Damage
Minimum Limits:** \$25,000 in coverage

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

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

South Dakota Small Claims Court Limit: \$12,000, Attorney representation is allowed. Appeals are not permitted.

If you were in an accident caused by another person in the state of South Dakota, you have a right to file a diminished value claim. After a vehicle has been damaged, it immediately loses value. Repairs can restore a portion of the lost value, but even the best repairs won't bring it back to full value. The remaining loss in value, however, is not totally lost. Known as diminished value, it is recoverable when you take the right steps.

SOUTH DAKOTA DIMINISHED VALUE LAW

There have been no reported court cases in favor of or against diminished value claims in South Dakota. Accident victims in South Dakota should be eligible to receive diminished value compensation in a third-party claim.

The Restatement of Torts, Second § 928 Harm to Chattels provides:

When one 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 his election in an appropriate case, the reasonable cost of repair or restoration, 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 SOUTH DAKOTA

After an accident, your vehicle will never be the same, and you deserve compensation for diminished value. If the accident wasn't your fault, you can file a diminished value claim with the other driver's insurance company.

The first step is to get a diminished value appraisal. An independent, unbiased appraisal will provide the documentation necessary to determine the diminished value of a vehicle. The appraisal report will serve as proof of your claim. You will then submit the written appraisal to the insurance company - they need this documentation to process your claim.