



DIMINISHED VALUE CLAIMS: **WYOMING**

SUMMARY

Wyoming Claims

Statute of Limitations: 4 years

Third Party Diminished Value Claim: Yes

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

Wyoming Property Damage

Minimum Limits: \$20,000 in coverage

Uninsured Motorist Coverage for Diminished Value: Yes, it is optional. It includes coverage for hit and run drivers.

Underinsured Motorist Coverage for Diminished Value: Yes, optional coverage.

Wyoming Small Claims Court Limit: \$6,000. Attorney representation and appeals are permitted.

If your vehicle was damaged in an accident in the state of Wyoming and underwent repairs, its resale value is likely to be less than what it was before the crash. This loss in market value is known as diminished value, and it is recoverable in Wyoming through a diminished value claim filed with the at-fault party's insurance company. If the other driver was uninsured, you can also file a diminished value claim with your own insurance company if your policy contains UMPD coverage.

WYOMING DIMINISHED VALUE LAW

Reported law concerning diminished value is scarce in Wyoming. Generally, the ordinary measure of damages for destruction or loss of personal property is the recognized market value of the property. *Reposa v. Buhler*, 770 P.2d 235, 238 (Wyo. 1989). Damages must be proven with a reasonable degree of certainty. Id. While exact certainty is not required, remote, conjectural or speculative damages will generally be insufficient.

In *Meredith GMC, Inc. v. Garner*, 78 Wyo. 396, 328 P.2d 371 (Wyo. 1958) the Wyoming Supreme Court cited with approval Restatement of Torts § 928 (1939). It provides:

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.

The Wyoming Supreme Court has explained that there are essentially two options for calculating damages, either the "cost-of-repairs method" or the "decrease- market value method." *Aetna Casualty & Sur. Co. v. Langdon*, 624 P.2d 240, 242 (Wyo. 1981). The appropriate method varies depending on the circumstances, and there is no absolute rule defining when each method should be applied. *Bush v. State*, 2003 WY 155, ¶ 25, 79 P.3d 1178, 1187 (Wyo. 2003) (Lehman J. dissenting). As the language of § 928(a) suggests, a plaintiff in Wyoming might be able to seek from a tortfeasor the reasonable costs of repairing a damaged vehicle plus the difference between the original value and the value after repairs.

HOW TO FILE A DIMINISHED VALUE CLAIM IN WYOMING

Step 1. Prove your loss. You must supply evidence that you have lost 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.