



## DIMINISHED VALUE CLAIMS: **KANSAS**

### **SUMMARY** Kansas 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

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

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

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

**Kansas Small Claims Court Limit:** \$4,000. Attorneys are not allowed to participate. Appeals are permitted.

In Kansas, you are allowed to file a diminished value claim after an auto accident if another party was responsible for causing the damage. You can file a claim under the at-fault party's insurance policy for the difference in the fair market value of the vehicle immediately before the accident and the fair market value after the repairs have been made.

#### **KANSAS DIMINISHED VALUE LAW**

Kansas is a diminished value state with several court cases supporting your right to be compensated for diminished value. You have two years from the date of loss to file a diminished value claim.

*Broadie v. Randall, 216 P. 1103 (Kan. 1923)*

When the repair of an injury does not restore the property to its original condition and value but is a reasonable effort to make it as nearly usable as practicable, and as repaired is not as valuable as it was before the injury, the cost of the repair together with the difference in value of the repaired property and its value before injury might in some cases be a fair measure of the loss sustained.

*Venable v. Import Volkswagen, Inc., 519 P.2d 667 (Kan. 1974).* Diminished value damages are recoverable if the value after repairs is less than it was before the accident.

#### **HOW TO FILE A DIMINISHED VALUE CLAIM IN KANSAS**

**Step 1.** Obtain proof of your car's diminished value. The better the appraisal, the better the chance of the insurance company accepting the appraisal and paying the claim faster and for more money.

**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.