

Step 1. The other party has admitted partial fault, I am insured but not claiming

You will need to negotiate a settlement. You can do this either:

1. over the phone; or
2. in writing.

A settlement may be that both parties “walk away” and agree to cover their own repairs. Alternatively, you will need to determine the value of the repairs you require and the contributory percentage you both agree. **About contributory percentage** Where you and the other driver are both at fault you can both be made to pay for any damage you caused to the extent you were at fault. For example if you contributed 50/50 to the accident you can only be made to pay for 50% of the damage to the other vehicle, and you can claim 50% of the cost of repairs to yours. Remember that the value of the cars will determine the outcome of an apportionment of liability. This means that if your car is not worth as much as the other car you may still end up owing quite a lot of money.

Example *You hit a 2007 BMW in your 1994 Ford laser. The damage to your Laser is assessed at \$2,600 and the damage to the BMW at \$12,500. 50% of \$ 12,500 = \$6,250; 50% of \$ 2,600 = \$1,300. Therefore you owe \$6,250-1,300 = \$4950, in addition to paying to get your own car fixed!* To determine whether the other parties repair costs are fair, you may want to look into approaching your local independent mechanic and provide them with a copy of the invoice from the other party’s insurance company, any photos of the damage and any other evidence such as witness statements about what happened. Ask the mechanic whether they would be prepared to provide you with a written statement/opinion about whether the items that have been repaired or the amount claimed is reasonable based on the nature of the accident. A statement from an independent mechanic is preferable to you simply arguing that in your personal opinion the repairs or amount claimed are not reasonable.