

Auto Insurance Arbitration

Resolving disputed property damage liability claims

What is Arbitration?

Automobile insurance arbitration involves the settlement of a dispute over a property damage liability claim by a person or persons chosen to hear both sides and come to a decision. Any person who is a party to a disputed automobile property damage liability claim may submit the claim for settlement through arbitration.

Arbitration can decide the amount of damages involved in the claim and who is responsible to pay for the damages.

Arbitration cannot be used to settle a claim against your insurance company that involves collision or comprehensive coverages. Likewise, bodily injury claims are not handled through this process.

If you have further questions, please contact the Clerk of Court that has jurisdiction over the hearing.

You may also contact the Office of Consumer Services of the SCDOI at any time for assistance.

Toll-free: 1-800-768-3467

Email: consumers@doi.sc.gov

Process for Arbitration

- ◆ The claim should be filed in the Clerk of Court's Office in the county you reside, or where the accident happened; you must complete the required forms and pay a \$10 fee. Remember, you are filing to arbitrate against the at-fault party, not the insurance company.
- ◆ The Clerk of Court will either appoint three attorneys to serve as the arbitration panel, or if both parties agree, one attorney.
- ◆ A date will be set for the hearing. Damages must be awarded as provided by law including, but not limited to, actual damages, loss of use, depreciation and damages to property other than vehicles (personal property contained in the vehicle).

What you must do

Bring all records which may pertain to the claim including, but not limited to, the following:

- ◆ At least two estimates of the damages under dispute.
- ◆ Signed receipts for any repairs already completed.
- ◆ Bills or receipts for the other property damages being claimed.

What you may do

- ◆ You have the right to bring witnesses who have knowledge of the accident.
- ◆ You may also subpoena them if necessary.
- ◆ You have the right to secure the services of an attorney, but this is not a requirement for the arbitration process.

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