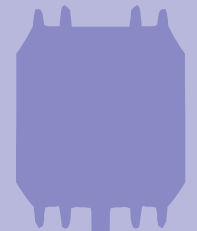




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**South Carolina  
Department of Insurance**



**Automobile  
Insurance  
Arbitration:**

*Resolving Disputed  
Property Damage  
Liability Claims*

## PURPOSE



The purpose of this guide is to inform South Carolina's insurance consumers of a cost effective method for resolving disputed property damage liability claims. It contains information that could help you save on costly legal fees.

## 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 not only the amount of damages involved in the claim, but also who is responsible to pay for the damages. Arbitration cannot be used to settle a claim against your insurance company that involves collision and comprehensive coverages. Likewise, bodily injury claims are not handled through this process.

## HOW TO BEGIN THE PROCESS

The claim should be filed in the Clerk of Court's Office in the county you reside, or in the county where the accident occurred. You must complete the necessary forms supplied by the Clerk of Court and pay a \$10 fee. In completing these forms, remember you wish to arbitrate against the at-fault party, not the insurance company.

## HOW THE PROCESS WORKS

The Clerk of Court will either appoint three attorneys to serve as the arbitration panel or, if both parties to the accident agree, one attorney. A date will be set for the hearing, depending upon the Court's docket schedule.

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 other property damages claimed.

## WHAT YOU MAY DO

You have the right to bring witnesses who have knowledge of the accident or to subpoena them if necessary. You have the right to secure the services of an attorney, although an attorney is not required.

If you have further questions, please contact the Clerk of Court having jurisdiction over the hearing. You may contact the Consumer Services Division of the South Carolina Department of Insurance at any time for assistance.