

ASK THE VEHICLE SAFETY LAWYER – What to do in an Accident

If I get involved in a vehicle accident, what should I do to protect myself in terms of my vehicle when dealing with the insurance company?

Unless it is a fender bender, DON'T LET THEM REPAIR YOUR VEHICLE. INSIST THAT IT BE TOTALLED. THE INSURANCE COMPANY WON'T REPLACE CRITICALLY IMPORTANT SAFETY FEATURES.

Here are a few examples of hidden safety features that are routinely missed by insurance adjusters. First, all seatbelts that were worn must be replaced following an accident. Seatbelts are made of polyester/nylon and are designed to stretch (elongate). Also, many seatbelts have an energy management/energy absorbing loop that can't be seen and if they activate, then you won't be protected in a subsequent accident. The seatbelts are only designed to work in one accident and then must be replaced. Second, the steering wheel has a device called a shear capsule. If this isn't replaced, the energy attenuating capabilities of the steering wheel is destroyed. Third, under the dash are devices called knee bolsters which are good for one impact. The exterior of the knee bolster may not look damaged but the internal honeycomb design may be crushed. Fourth, in the underbody frame members of all vehicles there are holes of various sizes and shapes. These are called convolutes and they allow for controlled crush for kinetic energy transfer. If these devices are damaged, the crash pulse in a subsequent accident will be materially different and your vehicle's safety systems may not provide the necessary safety performance you need. Fifth, the restraint anchorages are mounted to rubber rings under the vehicle that when loaded cause the rings to compress. Also, some vehicle's restraint anchorages have an energy L-bracket that pulls up when loaded. If these devices aren't replaced, then the restraint system won't work properly in a subsequent accident. Sixth, the seats must be replaced because the seats have an anti-submarining feature that helps prevent the occupant from sliding under the lap belt. This feature will flatten out or the springs will separate which will render the anti-submarining seat feature useless in a subsequent accident. Seventh, any place where there is plastic trim in a vehicle there is now either a gap or energy absorbing material between the plastic trim and the metal. This gap provides the basis for energy absorbing and attenuating interiors. After it is impacted or damaged, it must be replaced.

A consumer should also never allow the following to be done to a vehicle because the vehicle will not protect you and then the manufacturer is immune from responsibility.

1. Never allow anyone to straighten a frame.
2. Never allow anyone to replace a front clip, rear clip or roof section with that of another vehicle.
3. Never allow anyone to use parts from a salvaged vehicle

Consumers must demand that their vehicle be totaled and they must be vigilant in pursuing what is right. If the insurance company won't total the vehicle, then send the following letter to the adjuster:

Dear Sir:

This will confirm that I have requested that your company total my vehicle and that you have refused. I have told you of the concerns that I have with your failure to replace vital safety features on my vehicle. I have told you that your failure to total my vehicle will expose me and my family to harm should I be involved in another accident. I have also advised you that because your company insisted on modifying and altering my vehicle rather than simply replace the vehicle, that any product liability action against the vehicle manufacturer in the future has been destroyed should any of my vehicle's safety systems fail. Please consider this notice of my claim to pursue your company should the foregoing happen.