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NEWS RELEASE – CONSUMER ALERT

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Winter Weather Accidents and Insurance Claims

Bad weather increases the risk of car accidents, with slick or icy roads, snowfall and poor visibility, and drivers who are not used to winter conditions on the road.

An additional bad-weather risk for drivers is that following an accident claim, your insurance company may increase your premium, non-renew your policy or reduce your coverage – but, to do this, the company must do a thorough investigation of the accident to determine negligence before making the change.

To reduce your chances of an accident during the winter months, drivers should first make sure the vehicle is winter ready. Maintaining your vehicle with good tire treads, working windshield wipers and brakes are all recommended. When driving in winter weather, drivers should take care to drive for conditions: posted speed limits may be too fast for slippery pavement. Although you may be driving under the speed limit, if there is snow, ice or poor visibility, slow down and drive for weather conditions.

An insurance company does not have to visit the scene of the accident in order to investigate, but the company should interview the driver and gather specific information regarding the events of the loss. If the company does not have evidence that the driver was negligent, they should not arbitrarily increase rates, cancel the policy, reduce coverage or make other changes to the policy.

If you are in an automobile accident:

- Call the police. During some storms, it may not be possible to reach a police officer who can come to the scene of the accident immediately. If the community is on Accident Alert, there are special procedures to follow, if no injuries or alcohol are involved.
- Collect information such as the names, addresses, telephone numbers, and license numbers of all persons involved in the accident and all witnesses. Also, record the time, date, location, road conditions, make and year of the vehicles involved, insurance information for other parties, apparent damage and injuries, and jot down your version of what happened.

- Ask for the insurance information on all vehicles involved in the accident – name of insured on the policy, name of insurance company, policy number, and effective dates of coverage.
- If you have a camera, or a camera cell phone, take pictures of the accident scene and damages to all vehicles involved. You may wish to carry an inexpensive disposable camera in your glove compartment, so it's ready if ever needed. Take pictures of the cars, damage and surroundings, even if it is a one-car accident. If you don't have a camera, a sketch of how the accident occurred can be helpful.
- Call your insurance agent or insurance company as soon as possible. Your agent will know which documents and forms you'll need to complete.
- Take notes each time you talk to your insurance company, as well as police or others involved in the situation. Write down the dates, times, names, and subjects you talked about, as well as any agreements or promises made.
- Ask your insurance company if you have coverage for a rental vehicle if your car is not drivable. Save any receipts and bills, including those from a car rental or towing, and storage of your damaged car.
- If another driver was at-fault, ask the at-fault party's insurance company to reimburse you for rental expenses and the duration the company will cover.
- If you were not at fault in the accident, and the at-fault party did not have insurance, or does not have enough insurance to cover your damages, or if the other driver cannot be found in a hit-and-run, in Colorado your collision coverage, if purchased, will help pay for damages. If you do not have collision coverage you may want to consider Uninsured Motorists Property Damage coverage to protect you in the event your vehicle is hit by an uninsured motorist.
- If you have Medical Payments coverage your insurance will pay for immediate medical care under the terms of the policy.

DORA's Division of Insurance has issued a new bulletin, B-5.25 Claim Investigation of Weather Related Accidents, which can be found at www.dora.state.co.us/insurance/regs/bulletin.htm to help insurance companies understand the Division's interpretation of "reasonable investigation" when proving negligence by a driver in winter weather accidents.

If you have a dispute with an insurer regarding the adjustment of your claim, contact the Consumer Affairs Section of the Colorado Division of Insurance at 303.894.7490 Denver Metro, or at 800.930.3745 toll-free (outside of Denver), or email: insurance@dora.state.co.us for assistance.

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DORA is dedicated to preserving the integrity of the marketplace and is committed to promoting a fair and competitive business environment in Colorado. Consumer protection is our mission.