



“Will this accident affect my insurance rates?”

By Jeffrey A. Adelman

One of the most frequent questions new personal injury clients ask me is, “How will this accident affect my insurance rates?” The insurance companies have done a wonderful job of scaring customers from using their insurance benefits, even though the insurance company cannot legally punish them for doing so by taking actions such as raising rates. It is illegal for an insurance company to raise a customer’s rates based on a not-at-fault accident.

Florida Statute 626.9541(o)3.a. specifically states: (o)Illegal dealings in premiums; excess or reduced charges for insurance.— 3.a.Imposing or requesting an additional premium for a policy of motor vehicle liability, personal injury protection, medical payment, or collision insurance or any combination thereof or refusing to renew the policy solely because the insured was involved in a motor vehicle accident unless the insurer’s file contains information from which the insurer in good faith determines that the insured was substantially at fault in the accident.

Have this statute handy for the next time a client poses this question (and they will). If an insurance company conducts business in this fashion, it can be subject to attorney’s fees and costs pursuant to Florida Statute 625.155 upon the filing of a Civil Remedy Notice. A Civil Remedy Notice can be filed online using <https://apps.fldfs.com/CivilRemedy/>. This would be a first party action against the client’s insurance company, and this would allow the client’s attorney to seek attorney’s fees and costs.

The key number here is three. Also, insurance companies consider all sorts of benefits as claims. I had this situation happen to my client and, in response to my Civil Remedy Notice, State Farm included multiple claims for roadside assistance as making a claim. It would not even occur to most that this would be a claim, but apparently, it is.

Familiarize yourself with Florida Statute 626.9541. This is an opportunity to potentially get another crack at the insurance company, even on cases where the value of the injury claim is low. We cannot allow the insurance

companies to take advantage of Florida citizens any more than they already do. All of us need to be aware of this issue and not let the insurance companies punish our clients for using the coverage they pay thousands of dollars in premiums for each year. Protect your clients’ rights and do not allow them to be intimidated into buying into the urban legend that insurance companies have a right to raise rates even when your client is an innocent victim.



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