



MICHIGAN CAR CARE

MICHIGAN MINI-TORT *What is it? How do I collect?*

WHAT IS MINI-TORT?

By law, Michigan is a “No-Fault Insurance” state requiring every owner of a car to have certain basic coverages in order to get license plates and be able to drive their car legally in Michigan. If you have an auto accident, no-fault insurance pays for your medical expenses, wage loss benefits, replacement services, and damage you do to the other people’s property. It does not matter who caused the accident which basically means that each party contacts their respective auto insurance companies. The no-fault law protects insured persons from being sued as a result of an accident except in certain special situations. In general, you can only be sued (“Tort”):

- a) If you cause an accident in Michigan in which someone is killed, seriously injured, or permanently disfigured;
- b) If you are involved in an accident in Michigan with a non-resident who is an occupant of a motor vehicle not registered in Michigan;
- c) If you are involved in an accident in another state; or
- d) For up to \$1,000 if you are 50% or more at fault in an accident which causes damages to another person’s car which are not covered by insurance (← this is what is known as “Mini-Tort” and allows the victim to collect up to \$1,000.00 – most commonly used to reimburse the insurance deductible for the victim)

HOW DO I COLLECT FOR MINI-TORT?

Check with your insurance carrier or agent – depending on the type of policy you have, your insurance carrier may take care of the mini-tort on your behalf, or ask them for guidance.

ASA Michigan is not qualified nor is it providing any legal advice, but the following are best practices collected from the automotive repair industry:

- 1) Have a copy of the police report that provides documentation of the accident
- 2) A picture or pictures of the damage
- 3) A copy of your insurance policy reflecting your current insurance coverages
- 4) At least one repair estimate from a licensed automotive collision repair facility

Contact the auto insurance company of the driver causing the accident (that information is usually found within the police report). If the information isn’t provided, you may want to make copies of the above sending a cover letter to the driver asking them to forward this to their insurance company as soon as possible. You may want to ask them to forward a copy of their insurance policy as well for your records.

If the person does not have insurance or will not cooperate, it may be wise to contact an attorney or to file a small claim against the driver for your damages – contact your local district court for assistance.