



## ***You Scratched or Dented a Parked Car - Whats the Halacha?***

What to do when you hit or bump into a parked car? It's a very common scenario in grocery parking lots or by shuls where theres a lot of cars coming in and out. We're discussing a case where the cars were there legally, and the damaged car was parked properly. Also, that you hit the car yourself and not from an abandoned shopping cart that rolled in the wind and hit the other car. In such cases, the halacha could be different, which we can possibly discuss in the future. As well, any insurance claims is a separate discussion.

### **Repairs**

The first thing to assess is REPAIRS. If it would make sense for the owner to repair this damage, you would be responsible to pay that full amount. This applies EVEN if the cost to repair is more than the evaluated damage itself. For example, if because of this damage, the resale value of this car has dropped only \$200, but to REPAIR that damage it would cost \$500 in a repair shop, you'd be liable for the \$500. This halacha is brought down by the Sha"ch in Shulchan Aruch siman תשפ"ח/387 and siman ה"צ /95, as well as by the Chazon Ish and is the accepted practice of the Jewish Courts. The owner, however, cannot tell you to oversee the repair of the car. That's the owner's issue to be busy with the actual car or damaged item. You're only responsible to provide payment.

### **Non-Repairable Damage**

After the repair amount has been evaluated, or if there is no ability to repair, we assess the loss of market value of the item based on how much it was worth before and after the damage. For example, if the car was worth \$20,000 before the damage and now after any repairs, or if no repairs possible, the car in the end of the day has a market resell value of only \$18,000, you would be liable for that remaining \$2,000 (on top of any repairs amount).

In the cases above, you would be liable to pay the owner and must therefore wait for them to return, or more commonly, leave a clear and secure (rain/snow) note that they can contact you to pay back what you owe. As discussed in previously (video #51), there is no obligation to ask for mechilla as when it comes to damages of property, you only need to make the payment (as opposed to hurting physically or stealing).

### **When Exempt From Payment**

If, however, the scratch or damage is not something the owner would repair, and it doesn't change the market resale value of the car (which is based on its current condition), then you would not be liable for any payment, as you have technically not caused the owner any loss.

### **Other Applications - Broken House Window**

Another very practical application of this halacha is by a broken house window. Although the value of the overall house is unchanged, if it makes sense that the owner would replace the window, you would be liable to pay for that replacement.

All the above is regarding damage to another Yid, or by anyone in a case where there is a possibility of a chillul Hashem. If Yiddish ownership of the car is unclear, a qualified Rav can calculate using the rules of "Rov" (majority) based on the surrounding location of the car.

*Please note that these are only GUIDELINES, as the circumstances and laws can vary greatly from case to case. It is important to be in touch with a competent Rav or Posek to assess the final halacha accordingly. This is for informational halacha purposes only; please speak to a lawyer for any legal advice.*

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