How Trucking Companies and Insurers Handle Truck Accident Claims

After a tractor-trailer crash, the injured person usually deals with an insurance company long before any courtroom. Trucking companies and their insurers tend to act quickly, and the steps they take early can shape the claim. Understanding these practices is one reason people talk with a truck accident attorney before giving statements or signing documents.

Federal insurance minimums for trucking companies

Minimum levels of financial responsibility are set by the Federal Motor Carrier Safety Administration (FMCSA) in 49 CFR Part 387. A for-hire trucking company operating vehicles with a gross vehicle weight rating of 10,001 pounds or more needs at least $750,000 in public liability coverage to haul nonhazardous property in interstate commerce. Certain hazardous materials require $1,000,000 or $5,000,000, depending on the cargo. These are floors, not caps, and some trucking companies carry more through excess or umbrella policies. The MCS-90 endorsement may also come into play in certain claims, so a truck crash attorney usually asks for every policy that could apply.

The company's first moves

Many trucking companies and their insurers are prepared to send investigators, adjusters or defense counsel to a serious crash quickly. Their team may photograph the scene, download the engine control module (ECM), talk to witnesses and record vehicle damage. That work is lawful, but the information they collect goes to the trucking company first. A semi-truck accident lawyer may send a preservation letter requesting that the company keep the truck, the ECM and ELD data, camera footage and the driver's records.

What to expect from the insurance adjuster

The insurance adjuster may call soon after the crash to request a recorded statement. There is usually no obligation to give one to the other driver's insurer, though a person's own policy may require cooperation with that insurer. Statements given while hurting or medicated can be used later to dispute the claim. Adjusters may also ask for broad medical authorizations that reach records unrelated to the crash.

Quick settlement offers are another common practice. An offer can come before the full extent of an injury is known, and accepting it generally means signing a release that ends the claim. Insurers often argue comparative negligence, pointing to the injured driver's speed or lane position to lower the payment. They may also dispute injuries by citing preexisting conditions or gaps in medical treatment.

Surveillance and social media

Insurers sometimes review public social media posts after a crash, looking for photos or comments that seem to conflict with a reported injury. In some claims they also hire investigators to https://truckaccidentlawyers.wiki/directory/national-coverage/ film the injured person in public places. One image can be taken out of context, and a brief clip seldom shows what came before or after it. Many people limit what they post while a claim is open, and they keep their own notes on symptoms, missed work and medical visits.

What goes into the value of a truck claim

Damages in a truck injury claim can include medical expenses, lost wages, reduced earning capacity, property damage, and pain and suffering. In a wrongful death case, the available claims and who may bring them depend on state law. A tractor-trailer accident lawyer usually gathers medical records and bills along with wage documents before sending a demand. Health plans, Medicare or Medicaid may hold liens or reimbursement claims that must be resolved from a settlement.

A note on fees and outcomes

Many truck accident lawyers work on a contingency fee, meaning the fee is a percentage of any recovery and is spelled out in a written agreement. No lawyer, insurer or article can promise a particular result, and this is general information rather than legal advice.