Insurance Tactics After a Tractor-Trailer Crash

After a tractor-trailer crash, an injured person usually hears from an insurance company long before any court is involved. Trucking companies and their insurers often move quickly, and their early steps 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. For-hire trucking companies operating vehicles with a gross vehicle weight rating of 10,001 pounds or more must carry at least $750,000 in public liability coverage when they haul nonhazardous property in interstate commerce. Certain hazardous materials require $1,000,000 or $5,000,000 depending on the material. Those amounts are minimums, and some trucking companies carry more through excess or umbrella policies. The MCS-90 endorsement may also come into play in certain claims, and a truck accident attorney will usually request 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. They may photograph the scene, download the engine control module (ECM), interview witnesses and document the damage. That work is lawful, but the information they collect goes to the trucking company first. A semi-truck accident lawyer can send a preservation letter asking the company to keep the truck, the ECM and ELD data, camera footage and the driver's records.

Common insurance practices to understand

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, although a person's own policy may require cooperation with their own insurer. Comments made while in pain or on medication can later be used to https://truckaccidentlawyer.wiki/topics/truck-and-other-injury-claims/ dispute the claim. Adjusters may also ask for broad medical authorizations that reach records unrelated to the crash.

Early settlement offers are another common practice. An offer may arrive 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. Some also dispute injuries by pointing to preexisting conditions or gaps in treatment.

Surveillance and social media

After a crash, insurers sometimes review public social media posts, looking for photos or comments that seem to conflict with a reported injury. Some also hire investigators to record video of the injured person in public. A single photo can be misread without 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.

How the claim is valued

Damages in a truck injury claim can include medical expenses, lost wages, reduced earning capacity, property damage, and pain and suffering. In wrongful death cases, state law decides what claims exist and who may bring them. A commercial vehicle accident attorney usually gathers medical records and bills along with wage documents before sending a demand. Health insurers, Medicare or Medicaid may have liens or reimbursement rights that have to be resolved from a settlement.

Fees and expectations

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