Insurance Tactics After a Tractor-Trailer Crash

After a tractor-trailer crash, the injured person usually deals with an insurance company long before any courtroom. Trucking companies and their insurers often move quickly, and their early steps can shape the claim. Knowing what to expect is one reason people contact a truck accident lawyer before giving statements or signing documents.

Federal insurance minimums for trucking companies

The Federal Motor Carrier Safety Administration (FMCSA) sets minimum levels of financial responsibility 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 cargo. Those amounts are minimums, and some trucking companies carry more coverage 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. They may photograph the scene, download the engine control module (ECM), interview witnesses and document the damage. That work is lawful, but the information 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.

semi truck accident lawyer

Practices an injured person may see

The insurance adjuster may call soon after the crash to request a recorded statement. In many cases there is no obligation to give one to the other side'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 dispute the claim. Adjusters may also request broad medical authorizations that open records unrelated to the crash.

Quick 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. They may also dispute injuries by citing preexisting conditions or gaps in medical treatment.

Social media and surveillance

Insurers sometimes review public social media posts after a crash, searching for photos or comments that appear to conflict with a claimed injury. Some also hire investigators to record video of the injured person in public. 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 keep a simple record of their symptoms, missed work and medical appointments.

How the claim is valued

A truck injury claim can include damages for 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 or article can promise a particular result, and this is general information rather than legal advice.