How Trucking Companies and Insurers Handle Tractor-Trailer Crash 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.

How much insurance a trucking company must carry

The Federal Motor Carrier Safety Administration (FMCSA) sets minimum levels of financial responsibility 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 https://truckaccidentlawyers.wiki/directory/metro-atlanta-law-firms/ caps, and some trucking companies carry more coverage 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.

Rapid response after a crash

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. There is nothing improper about that work, but the information goes to the trucking company first. A 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.

What to expect from the insurance adjuster

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, 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 request broad medical authorizations that open 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 also tend to argue comparative negligence by pointing to the injured driver's speed or lane position. 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, looking for photos or comments that seem to conflict with a reported injury. In some claims they also hire investigators to film the injured person in public places. A single photo can be misread without context, and a short clip rarely shows what happened before or after it. Many people post less while a claim is open, and keep a simple record of their symptoms, missed work and medical appointments.

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 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.

Fees and expectations

Many truck accident attorneys 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.