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 often move quickly, and their early steps can shape the claim. Knowing these practices is one reason people consult an 18-wheeler accident lawyer 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 caps, and some trucking companies carry more through excess or umbrella policies. An MCS-90 endorsement may also apply to certain claims, so a truck crash attorney usually asks for every policy that could apply.

Early investigation by the trucking company

Many trucking companies and insurers have procedures for sending investigators, adjusters or defense lawyers to a serious crash quickly. Their team may photograph the scene, download the engine control module (ECM), talk to witnesses and record vehicle damage. There is nothing improper about that work, but the information they collect 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.

Practices an injured person may see

An insurance adjuster may call soon after the crash and ask for 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. 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 can come before the full extent of an injury is known, and accepting it usually 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.

Surveillance and social media

After a atlanta truck accident lawyer 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. https://atlantatruckaccidentlawyers.wiki/checking-a-firms-truck-practice/ 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

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 commercial vehicle accident attorney 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 attorneys 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 page is general information, not legal advice.