Insurance Tactics After a Truck Accident

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.

How much insurance a trucking company must carry

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 material. 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, 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. There is nothing improper about that work, but the information they collect goes to the trucking company first. A truck accident lawyer https://truckaccidentlawyers.wiki/guides/fees-and-consultations/ may send a preservation letter requesting that the company keep the truck, the ECM and ELD data, camera footage and the driver's records.

Practices an injured person may see

An truck accident lawyers insurance adjuster may call soon after the crash and ask for 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 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 can come 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. Some also dispute injuries by pointing to preexisting conditions or gaps in treatment.

Social media and surveillance

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. One image can be taken out of context, and a short clip rarely shows what happened 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 truck accident attorney will usually collect medical records and bills, plus wage documents, before making 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 page is general information, not legal advice.