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 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.

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. 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. Those amounts are minimums, and some trucking companies carry more coverage through excess or umbrella policies. An MCS-90 endorsement may also apply to certain claims, and a truck accident attorney will usually request every policy that could apply.

Rapid response after a crash

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. 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.

Practices an injured person may see

An insurance adjuster may call soon after the crash and ask for truckaccidentlawyers.wiki 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 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 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, 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. One image can be taken out of context, and a short clip rarely shows what happened before or after it. Many people post less 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 a wrongful death case, the available claims and who may bring them depend on state law. A commercial vehicle 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, 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.