What to Expect From the Insurance Adjuster 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 tend to act 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.

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. 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. These are floors, not caps, and some trucking companies carry more coverage 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.

The company's first moves

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 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

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 atlantatruckaccidentlawyers.wiki 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.

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 crash, insurers sometimes review public social media posts, 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 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 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 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, insurer or article can promise a particular result, and this page is general information, not legal advice.