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 their early steps can shape the claim. Knowing these practices is one reason people consult an 18-wheeler accident lawyer before atlantatruckaccidentlawyers.wiki giving a statement or signing anything.

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 material. Those amounts are minimums, and some trucking companies carry more coverage through excess or umbrella policies. The MCS-90 endorsement may also come into play in 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. That work is lawful, 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.

Common insurance practices to understand

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.

Quick 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

After a crash, insurers sometimes review public social media posts, searching for photos or comments that appear to conflict with a claimed 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 keep a simple record of their symptoms, missed work and medical appointments.

What goes into the value of a truck claim

A truck injury claim can include damages for 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 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.

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 or article can promise a particular result, and this page is general information, not legal advice.