What to Expect From the Insurance Adjuster After an 18-Wheeler Crash

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. Knowing what to expect is one reason people contact a truck accident lawyer before giving a statement or signing anything.

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 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. That work is lawful, but the information 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

The insurance adjuster may call soon after the crash to request a recorded statement. There is usually no obligation to give one to the other driver's insurer, though a person's own policy may require cooperation with that 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.

Quick settlement offers are another common practice. An offer may arrive 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.

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. One image can be taken out of context, and a brief clip seldom shows what came 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

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 commercial truck accident legal help 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, insurer or article can promise a particular result, and this page is general information, not legal advice.