How Trucking Companies and Insurers Handle Truck Accident Claims

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 the steps they take early can shape the claim. Knowing these practices is one reason people consult an 18-wheeler accident lawyer 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 cargo. These are floors, not caps, and some trucking companies carry more 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.

The company's first moves

Many trucking companies and truck accident lawyers insurers have procedures for sending investigators, adjusters or defense lawyers 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 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.

What to expect from the insurance adjuster

An 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. 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.

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

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. Some also hire investigators to record video of the injured person in public. 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 keep a simple record of their symptoms, missed work and medical appointments.

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 truck 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 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 *18 wheeler accident attorneys* lawyer or article can promise a particular result, and this page is general information, not legal advice.