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 often move 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 material. 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. There is nothing improper about that work, but the information they collect goes to the trucking company first. A 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.

Common insurance practices to understand

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, 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 request broad medical authorizations that open records unrelated to the crash.

Early 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 also tend to argue comparative negligence by pointing to the injured driver's speed or lane position. Some also dispute injuries by pointing to preexisting conditions or gaps in 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 https://atlantatruckaccidentlawyers.wiki/checking-a-firms-truck-practice/ after it. Many people post less while a claim is open, and they keep their own notes on symptoms, missed work and medical visits.

What goes into the value of a truck claim

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 tractor-trailer accident lawyer 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.