Insurance Tactics After a Semi-Truck 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 tend to act quickly, and their early steps can shape the claim. Understanding these practices is one reason people talk with a truck accident attorney before giving a statement or signing anything.

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, atlantatruckaccidentlawyers.wiki and some trucking companies carry more through excess or umbrella policies. The MCS-90 endorsement may also come into play in 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. 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 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

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 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 usually 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, searching for photos or comments that appear to conflict with a claimed injury. Some also hire investigators to record video of the injured person in public. A single photo can be misread without context, and a short clip rarely shows what happened before or after it. Many people limit what they post while a claim is open, and they keep their own notes on symptoms, missed work and medical visits.

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 commercial vehicle accident attorney will usually collect medical records and bills, plus wage documents, before making a demand. Health insurers, Medicare or Medicaid may have liens or reimbursement rights that have to 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 or article can promise a particular result, and this page is general information, not legal advice.