How Trucking Companies and Insurers Handle Truck Accident 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. 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

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 cargo. These are floors, not caps, and some trucking companies carry more 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.

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. 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 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, although a person's own policy may require cooperation with their own insurer. Comments made while in pain or on medication can later be used 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 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. Some also dispute injuries by pointing to preexisting conditions or gaps in 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. Some also hire investigators to record video of the injured person in public. A single photo can be misread without 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.

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 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.

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, insurer or article can promise a particular result, and this page is https://atlantatruckaccidentlawyers.wiki/checking-a-firms-truck-practice/ general information, not legal advice.