Insurance Tactics After a Truck Accident

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. Understanding these practices is one reason people talk with a truck accident attorney before giving statements or signing documents.

Federal insurance minimums for trucking companies

The Federal Motor Carrier Safety Administration (FMCSA) sets minimum levels of financial responsibility 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. 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, 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. 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.

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 truck accident attorney 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.

Quick 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 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, searching for photos or comments that appear to conflict with a claimed injury. In some claims they also hire investigators to film the injured person in public places. A single photo can be misread without context, and a short clip rarely shows what happened 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.

What goes into the value of a truck claim

Damages in a truck injury claim can include medical expenses, lost wages, reduced earning truck accident lawyer capacity, property damage, and pain and suffering. In wrongful death cases, state law decides what claims exist and who may bring them. 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, 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.