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 often move quickly, and the steps they take early can shape the claim. Knowing what to expect is one https://truckaccidentlawyers.wiki/guides/comparing-truck-accident-attorneys/ reason people contact a truck accident lawyer 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. 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. The MCS-90 endorsement may also come into play in certain claims, so a truck crash attorney usually asks ***truck accident lawyers*** for every policy that could apply.

Early investigation by the trucking company

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 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

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, though a person's own policy may require cooperation with that insurer. Comments made while in pain or on medication can later be used to dispute the claim. Adjusters may also ask for broad medical authorizations that reach 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 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. 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, 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 keep a simple record of their symptoms, missed work and medical appointments.

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 tractor-trailer accident lawyer usually gathers medical records and bills along with wage documents before sending 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, insurer or article can promise a particular result, and this is general information rather than legal advice.