MARTIN & JONES PLLC
Attorneys at Law

In legal terms, a truck accident is not just a bigger car accident. These accidents might happen on the same types of roads. They might even produce the same injuries. But the insurance issues and related dynamics of lawsuits to recover damages for accident injuries are very different in these two types of cases. It is important for accident victims to work with a personal injury lawyer who is experienced in recovering full compensation in the same type of case they are dealing with. This is because the attorney's knowledge, dedication, and skill often make the difference between receiving the maximum available amount and receiving little to nothing after an accident.

Insurance companies are usually the ones who pay damages and who defend legal claims after accidents. So understanding the insurance issues is crucial. And those issues are quite complex when commercial trucks are involved in an accident.

Policy Limits

One of the biggest differences between insurance in car accident cases and in truck accident cases is the amount of coverage, which is directly related to the policy limits applicable to different types of vehicles. North Carolina requires the owners of cars and most other personal-use vehicles to have insurance coverage that provides at least $50,000 to pay for injuries resulting from a car accident caused by someone driving the vehicle.

If two or more people are injured in the accident, the owner's policy must provide at least $100,000 in compensation for the injuries. In addition, the policy must provide $50,000 to cover property damage caused by someone driving the vehicle. Most private individuals pay for insurance policies that provide only the minimum coverage, or maybe slightly more.

The situation is very different for insurance policies that cover commercial truck operation. Many of these vehicles must comply with both state and federal insurance requirements. Federal law requires commercial trucks operating in interstate commerce to be covered by at least $750,000 in insurance if the vehicle is over a certain weight. North Carolina extends that minimum coverage amount to all commercial motor vehicles. When a truck transports hazardous materials, the minimum coverage increases to $1 million, and for extremely dangerous substances such as explosives, the truck must carry $5 million in insurance coverage.

The increased policy limits required for commercial trucks are largely due to the fact that heavy trucks can cause significant harm to others on the road and even in the surrounding community. While higher policy coverage provides greater potential compensation for accident victims, it also creates a strong incentive for insurance companies to resist liability.

They tend to invest considerably more in legal efforts to deny that the trucking company or driver was responsible for the accident and to shift liability onto the victim. This is particularly the case in North Carolina, where the contributory negligence rule allows vehicle owners to escape liability if they can demonstrate that the accident victim did something that in any way contributed to the collision and resulting injuries.

Many Insurance Companies May Be Involved

Most motor vehicle accidents involve two insurance companies, one for each vehicle's owner. If it's a multi-car wreck, there may be one or two more. But the situation is still far less complicated than a truck accident case. When a commercial truck is involved, many different insurance companies may be participating in the case to represent potentially responsible parties, including:

- The driver who may be liable for driving while distracted or other negligence
- The trucking company that may be liable for poor maintenance, negligent policies or other issues
- The maintenance company that may be liable for improperly-performed repairs
- The cargo company that may be liable for improperly loading the truck
- Manufacturers of truck components that may be liable for defective parts

To be effective, the attorney representing the truck accident victim needs to analyze the evidence to determine the parties who could be held responsible and work to uncover evidence of liability. Because of commercial trucking requirements, evidence in truck accident cases is often more extensive and complex. This includes information stored in electronic logging devices, maintenance logs, and drug testing records. Of course, the insurance company for each potentially liable party will work very hard to avoid being held responsible, so it will not make it easy to locate or analyze the evidence.

Defensive Tactics of the Commercial Insurers

The companies that insure corporate trucking interests work very efficiently and effectively to defend truck accident cases, often jumping into action right away. By contrast, insurance companies defending car accident cases, where

the stakes are lower, often move more slowly and dedicate fewer legal resources to the case.

After a truck accident, insurance companies may have investigators on the scene within hours to gather evidence and start building their version of events. They often try to shift the blame to the victim. Or they try to end the case quickly by offering the victim an immediate settlement. The amount offered will be considerably less than the value of the claim, but the victim will be pressured to accept before they have a chance to learn the extent of their injuries and future needs. Once an accident victim accepts a settlement, the case is over, even if the injuries turn out to be much more severe than anyone realized at the time.

Martin & Jones Knows How to Stand Up to the Insurance Companies

When you spend all day, every day honing your skills and learning from experienced professionals, you can become very effective at achieving your goals. That's what happens with the legal teams that work for insurance companies. They're good at challenging accident victims' claims because they do it often.

However, we've been fighting against them even longer. And at Martin & Jones, we are fighting with something they lack—conviction. We know that we are working to secure justice and fair compensation for victims who have suffered severe injuries. Our experience and dedication enable us to overcome overbearing defense tactics and give our clients a brighter future. That means a lot to us.

If you or a loved one were injured in a car or truck accident, our team is ready to work effectively to obtain full compensation for your losses. The sooner we begin working on your case, the more assistance we can provide. So, call us at 800-662-1234 or contact us online now to schedule a free case evaluation and consultation.

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