How Long a Tractor-Trailer Crash Claim Takes, Stage by Stage

Truck accident claims move through stages that may take months or even years. Some periods apply to the trucking company, such as how long it must keep certain records, while others belong to the injured person, such as the statute of limitations. A truck accident lawyer can explain where a particular claim stands in this sequence, although every claim is different.

Right after the crash

Emergency care comes first, and the medical records from that day often become important evidence. The responding officers prepare a crash report, which usually identifies the vehicles, the drivers and their insurers along with the officer's observations. Under 49 CFR 382.303, the employer must test its surviving driver for alcohol and controlled substances after certain crashes, including every crash involving a death. An alcohol test not given within 2 hours requires a written reason, and attempts end at 8 hours. Attempts at the controlled substances test stop after 32 hours.

The first weeks and the records

Federal rules set minimum retention periods for many trucking records, and some of them are short. Driver vehicle inspection reports must be kept for 3 months under 49 CFR 396.11, and records of duty status and supporting documents for 6 months under 49 CFR 395.8. Maintenance records are kept for 1 year under 49 CFR 396.3, and the accident register covers 3 years under 49 CFR 390.15. That is why a truck accident attorney often sends a preservation letter early. A retention period sets a floor for routine recordkeeping, and it does not settle whether records must be kept once a claim is foreseeable.

Investigation and treatment

While the injured person treats, the claim is investigated. The investigation may include inspecting the truck, downloading the engine control module (ECM) and electronic logging device (ELD) data, and interviewing witnesses. A reconstruction engineer may be retained to analyze the scene and the electronic data. Many claims are not valued until the injured person reaches maximum medical improvement, the point at which doctors can describe the long-term outlook. A truck crash attorney then prepares a demand package with the medical records and bills along with wage loss documents.

If the claim does not settle

The insurance adjuster may accept, reject or counter atlanta truck accident lawyer the demand. If negotiations stall, the next step is usually a lawsuit, which has to be filed before the statute of limitations expires. Each state sets its own deadline. Many allow two or three years for personal injury, while claims against government bodies may require written notice much sooner. An 18-wheeler accident attorney tracks the filing deadline from the start.

Once suit is filed, the case moves into discovery: written interrogatories, requests for documents such as the driver qualification file and dispatch records, and depositions of the driver, company safety personnel and other witnesses. Many courts require mediation atlantatruckaccidentlawyers.wiki before trial, and most cases resolve by settlement rather than verdict. If the case goes to trial, an appeal can add more time.

Resolution and payment

A settlement usually requires signing a release. Before funds are distributed, liens from health plans, Medicare or Medicaid may need to be resolved, and the contingency fee agreement governs the lawyer's fee and case expenses. A semi-truck accident attorney should provide a written closing statement showing how the money was divided. This timeline is general information, not legal advice, and it cannot predict how long a particular claim will take.