The Timeline of a Semi-Truck Crash Claim

A truck accident claim moves through stages that can take months or years. Some periods apply to the trucking company, such as how long it must keep certain records, while others apply *atlantatruckaccidentlawyers.wiki* to the injured person, such as the statute of limitations. A truck accident attorney can explain where a given claim sits in this sequence, though no two claims follow the same path.

Right after the crash

Emergency care comes first, and the records created that day often become important evidence. Police write a crash report, which typically records the drivers, the vehicles 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 any crash involving a death. If the alcohol test is not given within 2 hours, the reason must be documented, and attempts stop after 8 hours. Attempts at the controlled substances test stop after 32 hours.

The first weeks

Federal regulations 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. For that reason, an 18-wheeler accident lawyer will often send a preservation letter early. A retention period is a floor for routine recordkeeping, and it does not settle whether records must be kept once a claim is foreseeable.

Investigation and treatment

While medical treatment continues, 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. An accident reconstructionist may be retained to analyze scene measurements 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 puts together 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 the demand. If negotiations stall, the next step is usually a lawsuit, which must be filed before the statute of limitations runs. Each state sets its own deadline. Many allow two or three years for personal injury, and claims against government bodies can require written notice much sooner. A truck crash lawyer watches the filing deadline from the start.

After filing, the case enters 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 order mediation before trial, and most cases end in a settlement rather than a verdict. If a case is tried, an appeal can add more time.

When the claim resolves

A settlement usually requires signing a release. Before money is distributed, liens from health plans, Medicare or Medicaid may have to be resolved, and the contingency fee agreement governs the lawyer's fee and case expenses. A tractor-trailer crash lawyer should provide a written closing statement showing how the money was divided. This is general information and not legal advice, and no article can predict how long a given claim will take.