Truck Accident Claim Timeline: From the Crash to Settlement

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 to the injured person, such as the statute of limitations. A truck accident lawyer can explain where a particular claim stands in this sequence, though no two claims follow the same path.

The first days

Medical 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.

Preserving records in the first weeks

Federal regulations set minimum retention periods for many trucking records, and some 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, while the accident register covers 3 years under 49 CFR 390.15. That is why a truck accident lawyer 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. Investigators may inspect the truck, download the engine control module (ECM) and electronic logging device (ELD) data, and interview 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 accident lawyer then puts together a demand package containing medical records and bills, plus wage loss documents.

If the claim does not settle

The insurance adjuster may accept, reject or counter the demand. If the claim does not resolve, 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. An 18-wheeler accident attorney tracks the filing deadline from the start.

Once suit is filed, the case moves into ***Atlanta 18 wheel crash lawyer*** 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 resolve by settlement rather than verdict. If the case goes to trial, an appeal can add more time.

When the claim resolves

Settling a claim usually means 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 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.