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

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, although every claim is different.

The first hours and days

Medical care comes first, and the medical records from that day often become important evidence. The responding officers prepare 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. 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 lawyer often sends a preservation letter early. A retention period is a floor for routine recordkeeping, and it does not decide whether records must be kept once a claim is foreseeable.

Treatment and investigation

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 commercial truck accident lawyer then prepares a demand package with the medical records and bills along with wage loss documents.

Filing suit and discovery

The insurer may accept the demand, reject it or make a counteroffer. If negotiations stall, the next step is usually a lawsuit, which has to be filed before the statute of limitations expires. Every state sets its own deadline. Many states allow two or three years for personal injury claims, while claims against government bodies may require written notice much sooner. A truck crash lawyer watches 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 before trial, and most cases end in a settlement rather than a 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 money is distributed, liens from health plans, Medicare or Medicaid may have to be resolved, and a contingency fee agreement governs the lawyer's fee and expenses. A semi-truck accident attorney should provide a written closing statement showing how the money was divided. This is general information and not legal advice, and it cannot predict https://atlantatruckaccidentlawyers.wiki/checking-a-firms-truck-practice/ how long a particular claim will take.