The Timeline of a Tractor-Trailer Crash Claim

A truck accident claim moves through stages that can take months or years. Some deadlines belong to the trucking company, such as how long it has to 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.

The first days

Emergency 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 trucking company must test its surviving driver for alcohol and controlled substances after certain crashes, including any crash involving a atlanta truck accident lawyer death. An alcohol test not given within 2 hours requires a written reason, and attempts end at 8 hours. Attempts to give the controlled substances test end at 32 hours.

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 attorney often sends 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 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, meaning the point when doctors can describe the long-term outlook. A commercial truck accident lawyer then prepares a demand package containing medical records and bills, plus wage loss documents.

If the claim does not settle

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. Each 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 order mediation before trial, and most cases resolve by settlement rather than verdict. If a case is tried, an appeal can add more time.

When the claim resolves

A settlement usually requires signing a release. Before funds are distributed, liens from health plans, https://atlantatruckaccidentlawyers.wiki/checking-a-firms-truck-practice/ Medicare or Medicaid may need to be resolved, and a contingency fee agreement governs the lawyer's fee and expenses. A 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 how long a particular claim will take.