Truck Accident Claim Timeline: From the Crash to Settlement

Truck accident claims move through stages that may take months or even 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 attorney can explain where a given claim sits 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 usually identifies the vehicles, the drivers 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 death. An alcohol test not given within 2 hours requires a written **atlanta truck accident lawyer** reason, and attempts end at 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 of them are short. Driver vehicle inspection reports must be kept for 3 months under 49 CFR 396.11, **truck injury lawyer Atlanta** 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.

Treatment and investigation

While medical treatment continues, the claim is investigated. Investigators may inspect the truck, download the engine control module (ECM) and electronic logging device (ELD) data, and interview witnesses. A reconstruction engineer may be retained to analyze the scene and the electronic data. Claims are often 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 containing medical records and bills, plus wage loss documents.

Filing suit and discovery

The insurance adjuster may accept, reject or counter the demand. If the claim does not resolve, 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 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 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

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 semi-truck accident attorney typically provides 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.